The City Council of the City of Raleigh met in regular session on Tuesday, July 19, 1983, at 1:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Upchurch

Mr. Walters - Absent and Excused

Mayor York called the meeting to order and invocation was rendered by the Reverend Thomas A. Collins, Pastor of St. Marks United Methodist Church, after which the following matters were discussed with action taken as shown.

Mayor York indicated Mayor Pro Tem Walters is out of the country and without objection he would be excused.

Mayor York indicated due to the extremely hot, dry weather experienced during the recent past, water shortage has reached a record level. He stated on July 18, 1983, the water usage was 38.255 million gallons. The capacity of the Raleigh Water Treatment Plant is 38 million gallons per day. He stated, therefore, the City Council would request that all customers of its water system, including those customers of Cary, Garner and other towns buying water from Raleigh, voluntarily reduce their water consumption by reducing irrigation of lawns and ornamental plants for the duration of this unseasonably hot, dry weather. Mr. Jordan MOVED THE RECOMMENDATION, AS READ BY THE MAYOR, BE UPHELD. His motion was seconded by Mr. Calloway and past unanimously. THE MAYOR RULED THE MOTION ADOPTED.

## RECOGNITION OF SPECIAL AWARDS

### NATIONAL SAFETY COUNCIL - AWARD OF MERIT - PRESENTED

Mayor indicated the City of Raleigh has received an Award of Merit from the National Safety Council. He presented the plaque to the Assistant City Manager Benton.

Mayor York indicated, in addition to the Award of Merit presented by the National Safety Council, that a number of City departments have received certificates from the North Carolina Department of Labor in recognition of a year's work with no lost time accidents. Mayor York indicated six divisions of the City have been recognized and representatives of those divisions were at the meeting to receive the certificates on behalf of the division: Civic Center - Roger Krupa and Jim Frank; Wastewater Treatment Plant - Rod Butler and Billy Ray Creech; Water Operations - Rod Butler and John Harper; Department of Transportation - Jimmie Beckom and Bobby Price; Inspections Division - Lynn Baird and Larry Strickland; Engineering Department - C. A. Thomas and Homer Lyles.

### SALISBURY STREET PARKING DECK - MERIT AWARD FOR EXCELLENCE - PRESENTED

Mayor York indicated on July 5 Jimmie Beckom, the City of Raleigh's Project Manager for the Salisbury Street Parking Deck, was at an Award's Luncheon in Washington, D. C., and accepted the Merit Award for Excellence in Parking Area Design - Institutional and Municipal Parking Congress. Mayor York read a press release prepared by the City of Raleigh relating to the construction of the Parking Deck, pointing out Mr. Beckom worked closely with Kimley-Horn and Associates, Inc. in submitting the project for the "Best Design of Parking Garage or Lot With Under 500 Spaces".

### POLICE PERSONNEL - INVESTIGATOR J. C. HOLDER - AWARD PRESENTED

Banks C. Talley, Jr., Vice Chancellor for Student Affairs at North Carolina State University, was at the meeting and presented a plaque to Investigator J. C. Holder for outstanding work in solving the Elizabeth P. Rosenburg murder. Police Major Haley was at the meeting with Investigator Holder to receive the award. In presenting the award, Mr. Talley indicated North Carolina State University feels that Mr. Holder's expertise, in their opinion, is a role model for all policemen in the City of Raleigh. He stated he feels everyone in Raleigh is appreciative of his work. He stated he feels the University and the City of Raleigh has a very good working relationship, pointing out Police Chief Hieneman has had a big part in that. In accepting the plaque, Investigator Holder indicated the work could not have been done without the cooperation of North Carolina State University, other police units in the area and the Police Departments nationwide.

### PROCLAMATION - UNITED NEGRO COLLEGE FUND TELETHON WEEK - PROCLAIMED

Mayor York read a proclamation proclaiming the week of July 31 - August 6 United Negro College Fund Telethon Week in the City of Raleigh. The proclamation was received by Harold Webb and Lawrence Ray.

CERTIFICATES OF APPOINTMENT - PRESENTED

Mayor York explained the Certificate of Appointment presentation and presented the following certificates: Civil Service Commission - James L. Atkinson, Arthur J. Burke, Jr. and Eleanor Nunn; Downtown Advisory Committee - Phil Harvell and Spencer Wolfe; Downtown Housing Improvement Corporation - Edgar W. Davis, Phil Harvell, George Hawkins and William D. Poe, Jr.; Historic Properties Commission - Stanley Caton, Pernon E. Howell, Vivian Irving, Warren Lail, E. Michael Latta, George W. Lennon, Maye E. Ligon and Calvin R. Park, Jr.; Housing Appeals Board - William D. Harazin; Housing Authority Board of Directors - V. Robert Jansen, Jr. and William R. Windley, Sr.; Parks and Recreation Advisory Board - Earle K. Curry; Transit Authority - Shelby Alford and Hiram Casebolt.

CONSENT AGENDA

CONSENT AGENDA APPROVED - AS AMENDED

Mayor York presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mr. Jordan REQUESTED THAT THE ITEM RELATING TO PROFESSIONAL SERVICES FOR THE DESIGN OF THE NEXT TWO SWIMMING POOLS BE WITHDRAWN. Without objection, the item was withdrawn. Mr. Calloway MOVED THAT ADMINISTRATION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

NCSU - LEASE AGREEMENTS - MAYOR AUTHORIZED TO SIGN

Present lease agreements for easements on North Carolina State University property are due to terminate at 12:00 Midnight, July 31, 1983. New lease agreements have been negotiated by the Planning Staff and the Office of Finance and Business for N. C. State University to reflect the conditions upon which the City of Raleigh must abide by to maintain the Avent Ferry Bikeway and the Loblolly Greenway Trail. Also, the City Attorney's Office has reviewed both lease agreements.

A copy of the proposed leases was included in the Council Members' Agenda packets.

Recommendation: Approval of the lease agreements is recommended and authorization for the Mayor to sign is requested. Consent Agenda approval - Calloway/Jordan - 7 ayes.

POWELL DRIVE PARK - GRANT REFUND - AUTHORIZED

Final auditing of the Powell Drive Park BOR (Bureau of Outdoor Recreation) Grant has been completed, and it has been determined that an overpayment of $9,500 was made by the State of North Carolina. Some project elements (parking lot, picnic shelters, and outdoor assembly area) were not approved as allowable expenses, and we request that this repayment be made to the State Division of Budget and Management, Department of Natural Resources and Community Development, in the amount of $9,500 to cover all costs.

Funds for this repayment are available for transfer in an existing Powell Drive Park account.

Recommendation: Approval of a proper transfer is recommended. Consent Agenda approval - Calloway/Jordan - 7 ayes. See Resolution 292 TF 4.

CAMP DURANT - REQUEST TO FILE GRANT APPLICATION - AUTHORIZED

A list of proposed improvements to be made with this $200,000 project will be included with Council Members' Agenda packets.

Recommendation: Administration recommends that Council authorize our filing a grant request with the Wake County Parks and Recreation Department for a $200,000 project of development at Camp Durant. This would provide $100,000 in City of Raleigh funds and $100,000 in Wake County Funds. Consent Agenda approval - Calloway/Jordan - 7 ayes.

CETA - TITLE IIB - WAKE COUNTY PUBLIC SCHOOLS - MODIFICATION #1 APPROVED

This is a request to authorize the modification of the existing Title IIB contract with the Wake County School System. The purpose of this modification is to increase monies for additional updated equipment needs for participants training and to increase monies for supplies. The amount of money requested for equipment is within the Department of Labor authorization. This will increase the $25,446 contract amount by $4,298.04, changing the modified contract amount to $29,744.04.

Except that which appears in the above explanation of this modification, all terms and conditions of this contract remain unchanged.

Recommendation: It is recommended that this contract modification be approved. Consent Agenda approval - Calloway/Jordan - 7 ayes.

RESOLUTION NO. (1983) 290 TF2

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following transfer is authorized for additional equipment under current CETA contract:

| | | | |
|---|---|---|---|
| From: | 03-2-5400-534 | Contingency | $4,298.04 |
| To: | 03-2-5460-100 | Wake Schools Eqpt. | $4,298.04 |

Adopted: 7/19/83

CETA - OJT CONTRACT DEOBLIGATION - APPROVED

This is a request to deobligate funds which were contracted under an OJT contract (03-2-5453-100) with Su Casa Mexican Food. The employer no longer has a need for the OJT slot. The amount of this contract to be deobligated is $710.20 for one Kitchen Helper Trainee.

Recommendation: Administration recommends that City Council approve this deobligation. Consent Agenda approval - Calloway/Jordan - 7 ayes.

RESOLUTION NO. (1983) 291 TF 3

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following transfer is authorized to deoblicate CETA subcontract since employer has no need for an OJT position:

| | | | |
|---|---|---|---|
| From: | 03-2-5453-100 | Su Casa Mexican Food | $710.20 |
| To: | 03-2-5400-535 | OJT Contingency | $710.20 |

Adopted: 7/19/83

ROAD RACE - RUN FOR THE OAKS - APPROVED FOR SEPTEMBER 10, 1983

This race, proposed by the Parks and Recreation Department, was originally approved by the City Council to be run on June 25. Shortly after approval, we lost a sponsor and the race was canceled.

Pepsi Cola has recently agreed to join with Holiday Inn as major sponsors. Administration requests permission to hold the race on Saturday, September 10, at 9:00 a.m. subject to the same condition as previously approved.

The race route is the same as that previously approved by the Police Department.

Recommendation: Council approval is requested. Consent Agenda approval - Calloway/Jordan - 7 ayes.

COMMUNITY DEVELOPMENT - ASSESSMENT OF PAST YEAR'S PERFORMANCE - PUBLIC HEARING AUTHORIZED

This public hearing is held each year 30-60 days after the end of the program year and prior to submission of our annual report to HUD within the same time period.

The purpose of this public hearing is to assess the performance of the past year's Community Development activities.

Recommendation: It is requested that the City Council schedule a public hearing to be held during the evening session of the Council Meeting on August 16. Consent Agenda approval - Calloway/Jordan - 7 ayes.

TAXICAB OWNER'S PERMIT - FRED SWAN - APPROVED ON SECOND AND FINAL READING

During the July 5, 1983, Council Meeting, an application in the name of Fred Swan, Ebony Cab Company (New Individual Owner's Permit) was approved on the first reading. Administration RECOMMENDS APPROVAL ON THE SECOND AND FINAL READING. Consent Agenda approval - Calloway/Jordan - 7 ayes.

TAXICAB FRANCHISE - CHANGE OF OWNERSHIP - APPROVED ON SECOND AND FINAL READING

During the July 5, 1983, Council Meeting, in accordance with City Code Section 12-2059, approval was granted for Mildred Mosley to sell her company that operates under the trade name of "Research Triangle Taxi and Transfer Company," to Boaz Odhiambo and Ricks Jayala. Administration RECOMMENDS APPROVAL OF THE REQUESTED FRANCHISE ON A SECOND AND FINAL READING. Consent Agenda approval - Calloway/Jordan - 7 ayes.

REIMBURSEMENT CONTRACT - D. WARREN WILSON AND COMPANY - APPROVED

A reimbursable contract has been prepared for City Council approval and the Mayor's signature. Costs have been certified by the Central Engineering Department. D. Warren Wilson and Company - oversized streets - Brockton Drive, intersection of Brockton and Bayliner Drives - $7,185.10.

Recommendation: It is recommended this contract be approved. Consent Agenda approval - Calloway/Jordan - 7 ayes.

PRIVILEGE LICENSE - REFUND REQUEST - APPROVED

Mr. George A. Kaleel, owner of "Oak Park Electronics, Inc.," located at 5202 Hollyridge Drive, has given written request for a refund in the amount of $139.42 for the 1983-1984 privilege license year. The reason for this request is an overpayment of this year's taxes.

Administration has verified that this is a valid request.

Recommendation: It is recommended that the request for refund be approved. Consent Agenda approval - Calloway/Jordan - 7 ayes.

CIVIC CENTER - RENT FREE USE - INFORMATION RECEIVED

(1) Approval has been granted for rent-free use of Room F and use of up to six parking spaces at the Civic Center for the week of August 1, through August 5, 1983. Telerent will need the room all week, from approximately 8:30 a.m. to 5:30 p.m. each day, for meetings with the City Staff to present the telephone system design for each office layout in the new Municipal Building. This room has been selected since it can be locked and secured for the equipment that will be stored in it overnight.

(2) Approval has been granted for rent-free use of the Civic Center on July 28, 1983, from 8:00 a.m. until 6:30 p.m. for the Raleigh Tomorrow Forum (The City Forum: Defining Raleigh's Economic Agenda).

The item was received as information without comment.

CETA - OJT CONTRACT MODIFICATION - INFORMATION RECEIVED

On July 8, 1983, the City Manager signed an OJT contact modification with The Wackenhut Corporation, which provides modification to decrease the amount of the contract since, initially, participants are paid the minimum wage and, after initial training, the salary is then increased to $4.46 per hour. This will decrease the $3,154 contract amount by $156.72 and will change the modified contract amount to $2,943.80.

The item was received as information without comment.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES - POLICY RESOLUTIONS - INFORMATION RECEIVED

There are no pending resolutions that the Raleigh City Council plan to introduce for consideration at the annual business meeting. If there is any desire to have such considered, they must be in the League Office by August 2, 1983. Additional information on this subject will be included with Council Members' Agenda packets.

The item was received as information without comment.

TRANSFERS - WITHIN VARIOUS ACCOUNTS - RESOLUTION ADOPTED

The Agenda presented several transfers in the Community Development Department which are recommended for approval. The need for the transfers and the code accounts were outlined in the Agenda. Administration recommends approval of the transfers as outlined. Consent Agenda approval - Calloway/Jordan - 7 ayes.

RESOLUTION No. (1983) 292 TF 4

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

| CODE ACCOUNT | | CLASSIFICATION | AMOUNT |
|---|---|---|---|
| From: | 01-2-4030-620 | Auto Replac. | $ 1,350.00 |
| To: | 01-2-1100-237 | Auto Allow. | 1,350.00 |

Purpose: To grant auto allowance for C/M at $2,000 year (Aug. 1 - Dec. 31. This would delete one replacement vehicle in Police Department.

| CODE | | CLASSIFICATION | AMOUNT |
|---|---|---|---|
| From: | 43-2-9040-301 | South Park "A" | $ 3,713.75 |
| To: | 43-2-9040-302 | Phase II St. Imp. | 3,713.75 |

Purpose: To provide for additional engineering inspection for the street improvements and legal fee - Thompson School/Lucille Hunter School.

| | | | |
|---|---|---|---|
| From: | 43-2-5020-100 | Acquisition | $12,000.00 |
| To: | 43-2-5020-101 | Property Maint. | 12,000.00 |

Purpose: To provide sufficient funds for RHA to utilize for property maintenance during the fiscal year.

| | | | |
|---|---|---|---|
| From: | 43-2-5010-100 | Salaries | $18,437.00 |
| | 43-2-5010-101 | Fringes | 2,580.00 |
| | 43-2-5010-237 | Auto Reimb. | 250.00 |
| To: | 43-2-5200-100 | Salaries | 18,437.00 |
| | 43-2-5200-101 | Fringes | 2,580.00 |
| | 43-2-5200-237 | Auto Reimb. | 250.00 |

Purpose: To transfer one position from administration to human services support in 83-84 budget.

| | | | |
|---|---|---|---|
| From: | 37-2-2380-120 | Lake Reclamation | $ 9,500.00 |
| To: | 37-2-2380-190 | Repay State BOR | 9,500.00 |

Purpose: Refund of overpayment of grant for Powell Drive Park.

| | | | |
|---|---|---|---|
| From: | 38-2-3330-100 | Oakwood | $12,839.00 |
| To: | 38-2-3300-100 | Biltmore Park | 12,839.00 |

Purpose: Biltmore Hills Energy Retrofit.

| | | | |
|---|---|---|---|
| From: | 38-2-3330-100 | Oakwood Park | $14,762.00 |
| To: | 38-2-3030-100 | Carolina Pines | 14,762.00 |

Purpose: Carolina Pines - Energy Retrofit Ballfields and Tennis Courts.

| | | | |
|---|---|---|---|
| From: | 38-2-3330-100 | Oakwood Energy Retrofit | $27,601.00 |
| To: | 38-2-3030-100 | Carolina Pines | 14,762.00 |
| | 38-2-3300-100 | Biltmore Hills | 12,839.00 |

Purpose: Transfer money for other lighting projects that are in deficit.

| | | | |
|---|---|---|---|
| From: | 37-2-8994-110 | Lions en retro & irr | $84,168.00 |
| To: | 38-2-3050-100 | Lions | 84,168.00 |

Purpose: Lions Park lighting and ballfield improvements.

Adopted: 7/19/83

END OF THE CONSENT AGENDA

SWIMMING POOLS - PROFESSIONAL SERVICES FOR THE NEXT TWO - REFERRED TO THE LAW AND FINANCE COMMITTEE

The Agenda indicated the City has secured approval of the general location of the next two swimming pools, therefore, it would be well for Council to authorize Administration to begin solicitation of professional services to design these two pools. It would be necessary to move on this matter if we are to have these two pools next summer. Administration recommended approval of the request. Mr. Jordan indicated he had requested this item be removed from the Consent Agenda as, technically, it is already in the Law and Finance Committee. Therefore, he would request that professional services for the design of the next two swimming pools be referred to Law and Finance Committee. His motion was seconded by Mr. Calloway and passed unanimously.

## SPECIAL ITEM

CITY MANAGER SELECTION COMMITTEE - APPOINTED

Mayor York indicated City Manager Zachary announced last week that he would retire in the early part of December. He stated there has been a lot of information in the newspapers about the retirement and his replacement. He stated if the person who is in charge has someone he has trained, worked with, etc., then it would be assumed that that person would take over. He indicated Mr. Walters is out of the country and requested that he be allowed to participate in this matter. Mayor York stated that he would suggest that he and the Chairmen of the two primary Standing Committees - Mr. Edwards and Mr. Jordan - meet with Assistant City Manager Benton and discuss with him all aspects of the City Manager's job with the thought of working this out with Assistant City Manager Benton. He stated that he would suggest that this meeting be held before the next Council meeting and the Committee could give a report at that time. Mr. Edwards moved that the recommendation, as outlined by the Mayor, be upheld. His motion was seconded by Mr. Jordan and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Later in the meeting, it was agreed that the City Manager Selection Committee would meet on Monday, July 25, at 4:00 p.m. Mayor York indicated this would be a committee meeting but that most of the discussions would be an executive session.

## REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor York presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mr. Edwards requested that CR-2015 (S-85-83) be withdrawn. Mayor York requested that CR-2036 (TC-242) be withdrawn. Without objection, these two items were withdrawn. Mr. Calloway MOVED THAT THE PLANNING COMMISSION'S RECOMMENDATION ON THE REMAINING ITEMS ON THE CONSENT AGENDA BE UPHELD. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

The items on the Consent Agenda were as follows:

SC-194 - TOKEN PLEASURES - APPROVED

This was a request for approval to construct a 2,750 square foot drive-in restaurant which includes an area for eight (8) video games on .95 acre which is currently undeveloped and zoned Shopping Center.

The property is located on the west side of Falls of the Neuse Road, between T. K. Tripps and Taco Bell Restaurants, inside the City Limits.

CR-2001 from the Planning Commission recommended that this request be approved according to the revised map at the Planning Commission Meeting of July 11, 1983, entitled, "Token Pleasures," the property of Art Sickles, Drawn by James C. Buie, dated May 2, 1983. Consent Agenda approval - Calloway/Keller - 7 ayes.

SUBDIVISION S-78-83 - J. MALCOLM McALLISTER PROPERTY - APPROVED WITH CONDITIONS

This was a request for approval to subdivide 2.6 acres into six (6) lots, zoned Residential-10.

The property is located on the west side of Gorman Street, between O'Kelly and Ligon Streets, inside the City Limits.

CR-2011 from the Planning Commission recommended that this request be approved according to a map entitled, "J. Malcolm McAllister Property," the property of J. McAllister, drawn by John Y. Phelps, Jr., dated May 31, 1983, with the condition that the existing lots are recombined prior to recording the final plat. Consent Agenda approval - Calloway/Keller - 7 ayes.

SUBDIVISION S-79-83 - CREEDMOOR CROSSINGS - APPROVED

This was a request for approval to subdivide 13.03 acres into three (3) lots, zoned Office and Institution-I and Conservation/Buffer. The property is currently developed with a single-family residence and outbuildings.

The property is located on the west side of Creedmoor Road, adjacent to Creedmoor Crossings, outside the City Limits.

CR-2012 from the Planning Commission recommended that this request be approved according to a map entitled, "Creedmoor Crossings," the property of The Paragon Group, drawn by John Y. Phelps, Jr., dated January 17, 1983, revised May 14, 1983. Consent Agenda approval - Calloway/Keller - 7 ayes.

SUBDIVISION S-80-83 AND PA-185 - WAYNERIDGE, LOTS 4 AND 5 - APPROVED WITH CONDITION

This was a request for approval to subdivide a 4.4 acre currently undeveloped tract into nine (9) lots, zoned Residential-10 (3.2 acres) and Conservation/Buffer district within the lots in conformance with Code Section 10-2022.

The property is located on the north side of Wayne Street, opposite Highview Court, inside the City Limits.

CR-2013 from the Planning Commission recommended that this request be approved according to a map entitled, "Wayneridge, Lots 4 and 5," the property of White Oak Properties, drawn by Paton, Kays & Zucchino, PA, dated June 1, 1983, with the condition that the site plan be recorded in conformance with Code Section 10-2022. Consent Agenda approval - Calloway/Keller - 7 ayes.

SUBDIVISION S-89-83 - LIGHTFOOT CLUSTER DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval for a cluster development consisting of 33 units on 16.5 currently undeveloped acres, zoned Residential-6.

The property is located on the west side of Duraleigh Road, just north of Rockwood Road, outside the City Limits.

CR-2017 from the Planning Commission recommended that this request be approved according to a map entitled, "Lightfoot Cluster Development," the property of Lightfoot Investment, Inc., drawn by Paton, Kays & Zucchino, PA, dated June 1, 1983, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. It is also recommended: (1) That the greenway easement shown to be dedicated

be accepted by the City Council; (2) that the requested variance to the length of the private cul-de-sac be granted due to the creek and existing topographic features; and (3) that the City Council initiate a street closing for the unnamed street stubbed out to the south of this project. Consent Agenda approval - Calloway/Keller - 7 ayes.

SUBDIVISION S-90-83 - MBCB SUBDIVISION - APPROVED

This was a request for approval to subdivide 12.7 acres into five (5) lots, zoned Residential-1. The property is currently developed with a single-family residence and outbuildings.

The property is located on the north side of Strickland Road, adjacent to Bournemouth Heights Subdivision, outside the City Limits.

CR-2018 from the Planning Commission recommended that this plan be approved according to a map entitled, "MBCB Subdivision," the property of Max Barbour, drawn by Envirotek, Inc., dated June 1, 1983, revised June 17, 1983, and July 1, 1983. Consent Agenda approval - Calloway/Keller - 7 ayes.

SUBDIVISION S-91-83 - WOOD FOREST TOWNHOMES - APPROVED WITH CONDITIONS

This was a request for approval to construct 16 townhouse units on 2.68 acres, zoned Residential-6, providing 35 parking spaces.

The property is located on the east side of Carroll Drive, between Oxford Road and Avon Drive, inside the City Limits.

CR-2019 from the Planning Commission recommended that this request be approved according to a map entitled, "Wood Forest Townhomes," the property of Gibralter Enterprises, drawn by Bass, Nixon and Kennedy, Inc., dated June 1, 1983, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plat. Consent Agenda approval - Calloway/Keller - 7 ayes.

SUBDIVISION S-92-83 - WOODFOREST II - APPROVED

This was a request for approval to subdivide 1.13 acres into four (4) lots, zoned Residential-4. The property is currently vacant.

The property is located south of Kenmore Road, between Beechridge and Oxford Roads, inside the City Limits.

CR-2020 from the Planing Commission recommended that this request be approved according to a map entitled, "Woodforest II," the property of Gibralter Enterprises, drawn by Bass, Nixon and Kennedy, Inc., dated May 27, 1983. Consent Agenda approval - Calloway/Keller - 7 ayes.

SUBDIVISION S-94-83 - CROWN OAKS TOWNHOMES - APPROVED WITH CONDITIONS

This was a request for approval to construct 86 townhouse units on 9.3 currently vacant acres, zoned Residential-10.

The property is located east of Six Forks Road, north of Crown Oaks Drive, outside the City Limits.

CR-2021 from the Planning Commission recommended that this request be approved according to a map entitled, "Crown Oaks Townhomes," the property of Ryan Homes, drawn by Jerry Turner and Associates, and Bass, Nixon and Kennedy, Inc., dated May, 1983, revised June 16, 1983, and July 1, 1983, with the condition that the legal documents for the nonprofit homeowners association be reviewed and approved prior to recording the final plat. Consent Agenda approval - Calloway/Keller - 7 ayes.

PA-177 - CHARTER NORTH RIDGE HOSPITAL - APPROVED

This was a request for approval to construct a 66-bed hospital on an 11.86 acre currently undeveloped tract, zoned Office and Institution-III. The building will be 51,500 square feet in size.

The property is located on the south side of Newton Road, east of Six Forks Road, inside the City Limits.

CR-2022 from the Planning Commission recommended that this request be approved according to a map entitled, "Charter North Ridge Hospital," the property of Charter Medical Corporation, drawn by Bass, Nixon and Kennedy, dated May 31, 1983. Consent Agenda approval - Calloway/Keller - 7 ayes.

SC-197 - WENDY'S - APPROVED

This was a request for approval to construct 44 parking spaces and an additional 800± square feet of building space at the existing restaurant. The site is 1.13 acres and is zoned Shopping Center.

The property is located at the southeast corner of Western Boulevard and Gorman Street, inside the City Limits.

CR-2023 from the Planning Commission recommended that this request be approved according to a map entitled, "Wendy's, the property of Wendy's, drawn by Community Planning Associates, Inc., dated May 31, 1983. Consent Agenda approval - Calloway/ Keller - 7 ayes.

SC-198 - BRIDGE TENDER RESTAURANT - APPROVED WITH CONDITION

This was a request for approval to convert an existing single-family unit into a 9,515 square foot restaurant on a 20.9 acre tract, zoned Office and Institution-II and Shopping Center.

The property is located at the intersection of Edwards Mill Road and Blue Ridge Road, outside the City Limits.

CR-2024 from the Planning Commission recommended that this request be approved according to a map entitled, "Bridge Tender Restaurant," the property of Kidd Brewer, drawn by Envirotek, dated July 1, 1983, with the condition that, once the lot lines issue is resolved, that cross-parking and access agreements be recorded, if needed. Consent Agenda approval - Calloway/Keller - 7 ayes.

SC-199 - RAL-LEE SHOPPING AREA ADDITION - APPROVED

This was a request for approval to expand the existing shopping area by 19,000 square feet, on a 9.0 acre tract, zoned Industrial-I. There would be a new 4,500 square foot building and 14,500 square feet added to the existing building of 85,811 square feet.

The property is located on the west side of US 401-70 South (The Brendle's Shopping Center), inside the City Limits.

CR-2025 from the Planning Commission recommended that this request be approved according to a map entitled, "Ral-Lee Shopping Area Addition," the property of Brendle's, Inc., drawn by Envirotek, dated June 30, 1983. Consent Agenda approval - Calloway/Keller - 7 ayes.

REZONING Z-63-83 - EBENEZER CHURCH ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 10 acres from Residential-4 to Residential-10.

CR-2026 from the Planning Commission recommended that Z-63-83 be approved as requested. Consent Agenda approval - Calloway/Keller - 7 ayes. See Ordinance 150 ZC 122.

REZONING Z-65-83 - RIDGE ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 7.8 acres from Residential-4 to Residential-6.

CR-2027 from the Planning Commission recommended that Z-65-83 be approved as requested. Consent Agenda approval - Calloway/Keller - 7 ayes. See Ordinance 150 ZC 122.

REZONING Z-67-83 - PROSPECT AVENUE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 11,300 square feet from Residential-6 to Neighborhood Business.

CR-2029 from the Planning Commission recommended that Z-67-83 be approved as requested. Consent Agenda approval - Calloway/Keller - 7 ayes. See Ordinance 150 ZC 122.

REZONING Z-68-83 - NORTH BLOUNT STREET - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 7,500 square feet from Residential-10 to Neighborhood Business.

CR-2030 from the Planning Commission recommended that Z-68-83 be approved as requested. Consent Agenda approval - Calloway/Keller - 7 ayes. See Ordinance 150 ZC 122.

REZONING - Z-70-83 - U. S. 1 NORTH - APPROVED AS AMENDED

This was a request for approval to rezone approximately 2.8 acres from Residential-6 to Industrial-I.

CR-2032 from the Planning Commission recommended that Z-70-83 be approved as amended; that is, that Z-70-83 be rezoned from Residential-6 to Industrial-1 as requested with the addition of a 20-foot Conservation/Buffer district on the rear (east side), adjacent to the rear of the lots on Batts Drive, as shown on the map attached to Certified Recommendation 2032. Consent Agenda approval - Calloway/Keller - 7 ayes. See Ordinance 150 ZC 122.

REZONING - Z-72-83 - WEYBRIDGE DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 3.56 acres from Residential-6 to Residential-4 (1.96 acres) and from Conservation/Buffer to Residential-4 (1.60 acres).

CR-2033 from the Planning Commission recommended that Z-72-83 be approved as requested. Consent Agenda approval - Calloway/Keller - 7 ayes. See Ordinance 150 ZC 122.

REZONING - Z-91-83 - NEW BERN AVENUE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 10,000 square feet from Neighborhood Business to Business District.

CR-2034 from the Planning Commission recommended that Z-91-83 be approved as requested. Consent Agenda approval - Calloway/Keller - 7 ayes.

ORDINANCE NO. (1983) 150 ZC 122

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Ebenezer Church Road, north side, between Duraleigh Road and Dewees Court, being a portion of Parcel 4, Tax Map 432, approximately 10 acres rezoned to Residential-10 District, according to map on file in the City of Raleigh Planning Department. (Z-63-83)

(b) Ridge Road, east side, between Birnamwood Road and Darien Drive (Lake Boone Trail), being portions of Parcels 795-796 and Parcels 788, 789, 791 and 1083, Tax Map 463, approximately 7.8 acres rezoned to Residential-6 District, according to map on file in the City of Raleigh Planning Department. (Z-65-83)

(c) Varsity Drive, west side, between Crest Road and Marcom Street, being Parcel 86, Tax Map 550, approximately 1 acre rezoned to Residential-20 District. (Z-66-83)

(d) Prospect Avenue, north side, between South Saunders Street and Green Street, being Parcels 46 and 47, Block B-181, Tax Map C-31, approximately 11,300 square feet rezoned to Neighborhood Business District. (Z-67-83)

(e) North Blount Street, east side, between Poplar and Marshall Streets, being Parcel 5, Block G-217, Tax Map G-43, approximately 7,500 square feet rezoned to Neighborhood Business. (Z-68-83)

(f) Sunnybrook Road, east side, between Rock Quarry Road and the Beltline, being a portion of Parcel 168, Tax Map 608, approximately 74 acres rezoned to Residential-10 District, according to map on file in the City of Raleigh Planning Department. (Z-69-83)

(g) U. S. 1 North (North Boulevard), east side, between Buffaloe Road and U. S. 401 (Louisburg Road), being a portion of Parcel 6, Tax Map 438, rezoned to Industrial I with the addition of a 20 foot Conservation/Buffer District on the rear (east side), adjacent to the rear of the lots on Batts Drive, according to map on file in the City of Raleigh Planning Department. (Z-70-83)

(h) Weybridge Drive, south side, between Litchford and Rainwater Roads, being portions of Parcel 6, Tax Map 353, approximately 3.56 acres rezoned to Residential-4 (1.96 acres) and Residential-4 (1.60 acres), according to map on file in the City of Raleigh Planning Department. (Z-72-83)

(i) New Bern Avenue, south side, between North Blount and North Person Street, being Parcel 5, Block A-68, approximately 10,000 square feet rezoned to Business District. (Z-91-83)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective on the 19th day of July, 1983.

Adopted: 7/19/83

TEXT CHANGE 241 - UNIFORM OPEN SPACE STANDARDS - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to amend Chapter 10 of the Raleigh City Code to establish a uniform standard for open space requirements for life care communities, congregate structures, cluster developments, group housing developments and multi-family developments.

CR-2035 from the Planning Commission recommended that TC-241 be approved according to the ordinance attached to Certified Recommendation 2035. Consent Agenda approval - Calloway/Keller - 7 ayes.

ORDINANCE NO. (1983) 151 TC 188

AN ORDINANCE TO ESTABLISH UNIFORM OPEN STANDARDS

WHEREAS, G. S. 160A-381 authorizes the City of Raleigh to regulate the size of open spaces.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that:

Section 1. The first three sentences of subsection 10-2075(e) of the Raleigh City Code relating to open space standards in group housing development are hereby repealed, rewritten, and reenacted to read as follows:

"(e) Open space and park areas. The required minimum outdoor open space or park areas provided for group housing developments built after the effective date of this ordinance, July 19, 1983, shall be the greater of ten percent (10%) of the land area of the development or one-hundredth (.01) of an acre per unit (435.6 square feet per unit) excluding private drives and off-street parking areas.".

Section 2. Section 10-2075.1 of the Raleigh City Code relating to multi-family dwelling developments is hereby amended to add a new subsection, 10-2075.1(e), said subsection to follow 10-2075.1(d) and shall read as follows:

"(e) Open space and park areas. The required minimum outdoor open space or park areas provided for multi-family dwellings built after the effective date of this ordinance, July 19, 1983, shall be the greater of ten percent (10%) of the land area of the development or one-hundredth (.01) of an acre per unit (435.6 square feet per unit) excluding private drives and off-street parking areas.".

Section 3. Section Seven of Ordinance No. (1983) 95 TC 179 relating to the second sentence of 10-3071(b)(6) open space standards of the Raleigh City Code is hereby amended to add after the words "ten percent (10%) of the land area of the cluster unit development" the following words "or one-hundredth (.01) of an acre per unit (435.6 square feet per unit) whichever is greater".

Section 4. This ordinance has been filed with the Wake County Register of Deeds as required by law.

Section 5. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 6. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 7. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Adopted 7/19/83

Effective: 7/19/83

END OF THE PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-85-83 - WILLIAM E. JACKSON, III, PROPERTY - APPROVED AS AMENDED

This was a request for approval to subdivide 1.54 acres into two (2) lots, zoned Office and Institution-I. The property is currently developed with a single-family house on proposed Lot 1.

The property is located on the south side of Blue Ridge Road, near House Creek, inside the City Limits.

CR-2015 from the Planning Commission recommended that this request be approved according to a map entitled, "William E. Jackson, III, Property," the property of William E. Jackson, III, drawn by John A. Edwards Company, dated April 25, 1983.

Mr. Edwards indicated he had requested this item be withdrawn from the Consent Agenda. He pointed out that the map was prepared by his company and meets all the subdivision requirements, etc. He stated it received the unanimous recommendation of the Planning Commission; however, there needs to be a note on the plan to protect everyone involved and he would like for the Planning Director to explain this and would, also, request that he be allowed not to participate in discussion on this item. Without objection, this is agreed to.

Planning Director Chapman indicated this is a two-lot subdivision. He indicated one of the lots was a part of a larger lot that was approved in another subdivision. He indicated in the approval of the other subdivision there was a restriction of access onto Blue Ridge Road. He stated since that time part of the lot has been taken out of the original subdivision and is included in this subdivision, however, the remainder of the lot is still a part of the original subdivision. He indicated it is desired to make it clear that approval of this subdivision does provide access to both of the lots in this subdivision and in no way changes access to the previous subdivision, of which one of these lots was a part of. He stated the owner is agreeable to this and it is reflected in a private agreement. Brief discussion took place and Ms. Babb MOVED THE PLANNING COMMISSION'S RECOMMENDATION BE UPHELD WITH THE UNDERSTANDING THAT THE ACCESS, AS EXPLAINED BY PLANNING DIRECTOR CHAPMAN, WOULD BE UPHELD AND THE NOTE PLACED ON THE PLAN, IF NEEDED. Her motion was seconded by Mr. Jordan and put to a vote and passed with all members voting in the affirmative except Mr. Edwards who was excused. THE MAYOR RULED THE MOTION ADOPTED.

TEXT CHANGE 242 - ORAL PRESENTATIONS AT ZONING HEARINGS - REFERRED TO ADMINISTRATION AND CITY ATTORNEY

This was a request for approval to rewrite Subsection (i) of Section 10-2113, "Amendment, Alteration, Changes." CR-2036 from the Planning Commission recommended that TC-242 be approved according to the ordinance attached to Certified Recommendation 2036. Mayor York read the proposal which indicated, "Proponents are entitled to open and conclude the oral presentation. Ordinarily, a maximum total of five minutes will be allowed all proponents and a maximum total of five minutes will be allowed all opponents for oral presentation." Mayor York indicated he just did not know what the problem is with the way we presently handle the zoning hearings and what problem this proposed text change will solve. He questioned how the Council visualizes this proposed change to work. Planning Commission Chairman Graham explained the history of this proposed text change and discussion that took place in the Planning Commission and the problems they had coming up with an adequate number or time limit for the presentation of the proponents and opponents. Mayor York indicated he feels that it would be better to allow more time rather than less time. He stated with this proposal we are cutting off three minutes of the time allowed pointing out usually it takes more time than what is presently set out in the ordinance. He stated he had rather see something like eight minutes and eight minutes and pointed out if the proponents are entitled to open and conclude the oral presentation, then there would be a problem of how much time they would use at the beginning and keeping up with how much time they had left. Mr. Upchurch indicated this came about as a request from the CACs who felt there should be equal time for the opponents for rebuttal. He indicated he feels that this proposal is just saying that the proponents and the opponents have equal time. He stated normally the City Council gives more time than it is allowed under the present proposal.

Mayor York indicated he just does not feel we are ready with this text change. He stated presently we do not closely adhere to the time limits and he just hates to see us go to something more unrealistic. He suggested the possibility of rewording this text change to maybe eight minutes per side and adding some wording that the proponents would have to save part of that for rebuttal time. He pointed out that we have a zoning hearing tonight and questioned, again, how the Council would visualize this working if it is approved. After brief discussion, by general consensus it was agreed to refer TC-242 to Administration and place it on the next Agenda and, in the meantime, Administration could work with the City Attorney to reword the proposed text change along the lines of eight minutes for proponents and eight minutes for opponents and some words to the effect that proponents would have to reserve part of their eight minutes for rebuttal. Mayor York stated he just did not want to do something that would cut back on the time limits. City Attorney McCormick indicated that if the procedure we have now worked as it should, that rebuttal time would only be used to rebut something that the opponents brought up in their discussion that is totally new. Mr. Jordan pointed out it looks as if we need to better follow our present procedure rather than changing it. The matter was referred to Administration to work with the City Attorney to come up with different wording with all Council Members agreeing that the premise of the opponents and proponents have an equal time is no problem.

REZONING Z-66-83 - VARSITY DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one (1) acre from Residential-10 to Residential-20.

CR-2028 from the Planning Commission recommended that Z-66-83 be approved as requested.

Planning Commission Graham explained the request. Mr. Edwards moved the Planning Commission's recommendation be upheld which was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 150 ZC 122.

REZONING Z-69-83 - SUNNYBROOK ROAD - APPROVED - ORDINANCE ADOPTED

Mayor York indicated he would request not to participate in this item. He stated his company is not involved in this land at this point but the owner of the property has discussed possibilities with his company relating to this land and it may or may not work out but he just feels it would be better if he did not vote. Without objection, Mayor York was excused.

Planning Commission Chairman Graham indicated this was a request for approval to rezone approximately 74 acres from Residential-6 to Residential-10. The property is located on Sunnybrook Road, east side, between Rock Quarry Road and the Beltline. Mr. Graham presented CR-2031 from the Planning Commission in which they recommended that the request be approved as presented. Mr. Calloway moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 150 ZC 122.

## COMMITTEES, COMMISSIONS AND BOARDS

### HISTORIC DISTRICTS COMMISSION - APPOINTMENTS MADE

The City Clerk reported the term of Arthur McKimmon expired June 30 and he is not eligible for reappointment. The terms of John Castleberry, Calvin R. Parks and John W. Kinney, Jr., also expired June 30. Nominations include Mr. Castleberry, Mr. Parks, Mr. Kinney and William Bingham. Nominations have not been closed. There being no further nominations, Mr. Edwards moved that nominations to the Historic Districts Commission be closed and the four people appointed by acclamation. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor announced the appointment of the four people to the Historic Districts Commission with the understanding the term would be July 1, 1983 - June 30, 1985.

### APPEARANCE COMMISSION - NOMINATION MADE

The City Clerk reported the term of Al Brothers expires July 21 and he is not eligible for reappointment. The term of Vince Zucchino expires August 4, 1983. Nominations include Mr. Zucchino. Mr. Upchurch nominated Carlton Midyette. Ms. Babb nominated Sam Gaither. No further action was taken.

### BOARD OF ADJUSTMENT - NOMINATIONS MADE

The City Clerk reported the term of Micou F. Browne expires August 15, 1983. He is eligible for reappointment and his attendance record is good. He is an alternate member on the Board of Adjustment. No nominations have been made. Mr. Upchurch nominated Mr. Browne.

### TRANSIT AUTHORITY - NOMINATIONS MADE

The Clerk reported the term of John R. Stone expires September 1, 1983. He is eligible for reappointment and his attendance record is good. There is also a vacancy on the Transit Authority due to the death of Robert Lawrence. No nominations have been made. Mr. Edwards nominated B. H. Hunt. Mr. Upchurch nominated Marcus L. Scruggs. No further action was taken.

### HUMAN RESOURCES AND RELATIONS ADVISORY BOARD - NO ACTION TAKEN

The Clerk reported one vacancy on this Board due to the resignation of Bobby Strickland. No nominations have been made. Ms. Babb pointed out she does not have a nominee, however, she had talked with Roland Gammon recently and he is going to be suggesting names for the Council to consider. The item was received as information.

## REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

### PUBLIC NUISANCE ORDINANCE - REMOVED FROM THE AGENDA

Chairman Jordan reported the Law and Finance Committee recommends that this item be removed from the Agenda with no action taken to change the present ordinance. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

### PERSONNEL - CITY CLERK PAY GRADE AND CLASSIFICATION - REMOVED

Mr. Jordan reported the Law and Finance Committee recommends that this item be removed from the Agenda with no action taken as Administration is currently studying the pay grades and classifications of those persons in the City Clerk's Office. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

### TEXT CHANGE 238 - EMERGENCY SHELTER - ADOPTED

Council Members received in their Agenda packets a proposed ordinance which would allow emergency shelters in business districts upon approval of the Board of Adjustment after certain findings. On behalf of the Law and Finance Committee Mr. Jordan moved that the ordinance, as presented, be adopted. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 152 TC 189

AN ORDINANCE TO ALLOW THE CREATION AND LOCATION OF EMERGENCY SHELTERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

Section 1. Section 10-2002 of the Raleigh City Code is hereby amended by adding a new definition to read as follows:

"Emergency Shelter. An emergency shelter is a facility designed to shelter a small number of individuals and approved according to the standards found in Section 10-2073(c)(28)."

Section 2. A new Section, 10-2045(1)f, is added to the Raleigh City Code to create a new permitted use in the Business District and the new section shall read as follows:

"f. Emergency Shelters in the Business District subject to a use permit being granted by the Board of Adjustment pursuant to Section 10-2073(c)(28)".

Section 3. In order to provide for Board of Adjustment approval for Emergency Shelters, a new Section 10-2073(c)(28) is hereby added to the Raleigh City Code and shall read as follows;

"(28) Emergency Shelters. To permit the location of Emergency Shelters after a finding by the Board of Adjustment that:

a. The shelter will open for operation no earlier than 6:00 p.m. daily and will close no later than 8:00 a.m. daily.

b. The shelter may not operate kitchen facilities for the preparation of meals, but light snacks and hot beverages may be served.

c. The shelter shall not house more than 25 individuals per night.

d. The shelter will conform to all applicable health, building code, licensing laws and regulations.

e. The shelter operators will provide an employee or volunteer to maintain continuous on-site supervision of the shelter during the shelter's hours of operation.

f. Density. Each facility shall conform with the following standards for lot size and floor size:

| | Minimum Lot Area | Minimum Heated Floor Area (in square feet) |
|---|---|---|
| for first 12 residents | 5,000 | 2,000 |
| for each additional resident | 700 | 110 |

Section 4. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 5. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 6. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 8. This ordinance shall become effective upon its adoption.

Section 9. This ordinance has been filed with the Wake County Register of Deeds as required by law.

ADOPTED: 7/19/83

EFFECTIVE: 7/19/83

SUBDIVISION S-77- 83 - PRESCOTT AND TAYLOR PROPERTY, INVERRARY III - APPROVED WITH CONDITIONS

Chairman Jordan reported the Law and Finance Committee recommends approval of this subdivision according to a map entitled, "Prescott and Taylor Property, Inverrary III," the property of John Prescott, drawn by Bass, Nixon and Kennedy, dated July 13, 1982, revised October 23, 1982, and February 16, 1983, with the understanding that an additional fire hydrant will be placed on the cul-de-sac, Prescott Place, between the

public street and the proposed fire hydrant at the end of the cul-de-sac and with the further understanding that the houses constructed on Lots 8 and 9 would be no farther than 250 feet from the last fire hydrant on the cul-de-sac. It is further understood that a note will be placed on the plat of these two panhandle lots to indicate the following: (1) trash pickup points are not more than 125 feet from the street; (2) that there is appropriate turnaround connecting the two driveways to serve the panhandle lots.

Mr. Jordan explained the change in this subdivision recommended by the Law and Finance Committee from that recommended by the Planning Commission. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

## REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

PERRY CREEK BASIN - POLICY FOR DEVELOPMENT - CONCEPT APPROVED - ADMINISTRATION TO DRAFT APPROPRIATE MODIFICATIONS - ITEM RETAINED IN COMMITTEE

Mr. Edwards indicated Council Members received in their Agenda packets a policy for development of Perry Creek Basin. The Public Works Committee recommends approval of this concept with Administration to draft the appropriate ordinance modifications for review by the Committee with the understanding the item would be held in Committee for further view. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Jordan indicated he would like to make a substitute motion and moved approval of the recommendation of the Public Works Committee with the addition that the City, through collection of user fees, operate the package plants in the Perry Creek Basin and that the City Staff study this area to determine the best location of package plants so as not to have a proliferation of plants in this area. His substitute motion was seconded by Mr. Keller. Mr. Jordan indicated he feels that the City is going to have to go to operating the plants. Mr. Edwards indicated this was discussed in Committee as well as how much it would cost, etc. Mr. Edwards indicated he was in complete agreement with Mr. Jordan's comments about the location of the plants. He stated, however, he is concerned about going off and saying we are going to operate the plants without a complete study of the cost, ramifications, etc. He pointed out the City does have the right to go in and operate these plants if it is deemed necessary for public safety. He stated, however, before the City said we are going to operate the plants, he would like to look at the cost impact, how it would be financed, etc. He stated if Mr. Jordan's motion would allow this to be considered in Committee, he would have no objection to the substitute. Mr. Jordan pointed out it is obvious that someone will have to pay for operation of these plants and it would be borne by the people in the area they served. He stated if a private developer operates the plant, the people will have to pay that private developer to operate it and he is just saying that the City Staff should operate the package plants and the money the developer would spend to operate would be paid to the City or transferred to the City through some type user fees. He stated what we are dealing with here is public confidence that the plants will be operated efficiently and without fear of pollution of Perry Creek. He stated everyone knows that there are plants out there now that are not functioning well and we have got to be sure that we do not allow others that do not function well. Mr. Upchurch indicated that is why there were words placed in the policy to the effect that the City would have a staff member monitor the plants.

Mr. Upchurch indicated he has received a note from Attorney Bill Anderson, representing the Neuse Township, and that he has a short statement that he would like to read into the record. Mr. Upchurch indicated, as a point of personal privilege, he would ask that Mr. Anderson be allowed to speak. Without objection, this was agreed to.

Bill Anderson indicated he was representing himself, friends and neighbors in this area. He stated they had been greatly impressed by the work of the Council and the vast amount of time everyone has spent on this item. Everyone really appreciates the attention and efforts given to this matter. He stated because of the number of unknowns, etc., they are asking that the City consider the outfall solution and the sale of bonds to finance the outfalls.

In response to questioning, Assistant City Manager Benton indicated in terms of studying the location of package plants that the City can do that. He stated we can look at the locations and make recommendations but the decision lays with the property owner and the permitting agency. He indicated we can work with the State but he doesn't feel that we have total leverage to direct exactly where the plants are going to be located. He stated as far as operating the package plants are concerned, there are various levels of City participation. He stated this is a policy question the Council must decide. He indicated the proposal presented by the Committee did include strong monitoring by the City. He stated the City operating the plants is feasible but it would require the City to develop a staff division to address that. He stated if the City gets into operating the package plants, we would want to do it in a proper way pointing out the operator of a plant is the permit holder and the permit holder is held responsible and the State would hold the permit holder responsible for the operation discharge, etc.

Ms. Babb indicated the State has paid a lot of attention to package plants and she has wondered if there has been any recommendation from the State as to whether it would be better that they be privately operated or publicly operated. Assistant City Manager Benton indicated not officially; however, in informal dialogue he feels that they would prefer that the City be involved in the operation because they know how to

contact the City. Ms. Babb questioned how much staff we are talking about as far as operating the plant with Assistant City Manager Benton indicating that has not been discussed in detail. He stated, however, we would have to have staff to operate it 24 hours a day, seven days a week, year-round. Mr. Calloway questioned if financial impact is the only objection to the City operating the plants. Mr. Edwards explained this has been discussed and the Committee has gone through the numbers and exercises and come up with a fee. He stated we could be talking about nine to fifteen people but they have not put into dollars and cents what it would cost to operate the plants. He pointed out, however, the Committee did propose the fee schedule and if we are talking about the City operating the plants, we would be taking responsibility away from the developer that they would normally be responsible for and the fee schedule should be adjusted accordingly. After other discussion, Mr. Jordan amended his substitute motion to recommend approval of the concept of the policy for development of Perry Creek Basin as outlined by the Public Works Committee with Administration to draft the appropriate modifications for review by the Committee, but asked Staff to look at the possibility of operation of these plants and refer that matter to Public Works Committee and let the City Staff work as closely as possible with the State in determining the best location of plants in this area. His restated substitute motion was seconded by Mr. Keller. Mr. Keller questioned, however, the possibility of a weekly inspection during this study period with Mr. Edwards and Mr. Jordan pointing out that all of this work should be done and the ordinance, etc., drafted before the policy goes into play, therefore, there would be no need for weekly inspections. After other discussion, the amended substitute motion, as amended, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Mr. Upchurch indicated the Public Works Committee is about to recommend approval of two subdivisions which will use package plants. He stated he is concerned about the proliferation of these plants throughout. He stated he realized these two subdivisions meet all ordinances, regulations, etc., but he does have great concern about the Perry Creek Basin.

SUBDIVISION S-27-83 - DURANT TRAILS - APPROVED WITH CONDITIONS

Mr. Edwards reported the Public Works Committee recommends upholding the recommendation of the City Planning Commission to approve this subdivision with conditions as outlined in CR-1893 and contingent upon compliance with the new Cluster Development Ordinance and the Perry Creek Development Policy. (Council Members received copies of CR-1893 included in their Agenda packets.)

Mayor York indicated he will not vote on this case pointing out he has previously reported that he had agreed to be on the Board of Directors for First Federal Savings and Loan and they are involved in this subdivision. He stated his appointment would be effective the first of the year and he does not feel it would have an effect but he will not participate in voting on this. Mayor York asked to be excused from the meeting for a few minutes. Mr. Jordan took the chair.

On behalf of the Public Works Committee, Mr. Edwards moved the recommendation, as outlined, be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Mr. York who was excused. Mr. JORDAN RULED THE MOTION ADOPTED. Mayor York returned to the meeting.

SUBDIVISION S-52-83 - SMOKETREE - APPROVED WITH CONDITIONS; PU PROJECT INITIATED

Chairman Edwards reported the Public Works Committee recommends upholding the recommendation of the City Planning Commission to approve this subdivision with conditions as outlined in CR-1955 and contingent upon compliance with the Perry Creek Development Policy and compliance with the more stringent of the City and/or State street construction standards. (Council Members received a copy of CR-1955 included in their Agenda packets.)

It is further recommended, pursuant to the new policy for development of Perry Creek, that Administration is directed to initiate a project for extension of a water line to serve this subdivision. On behalf of the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 298

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water mains located and described as follows:

PU 1983-15 - Installation of 3,950 ± of 24-inch ductile iron water main along U.S. No. 1 beginning at the southern property line of Kerr Drugs southward to the northern property line of Smoketree (Parcel 328-2).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension. (Property outside city limits, Fee in lieu of assessment at time of tap on.)

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 16th day of August, 1983, at 7:00 p.m., in the Council Chamber, Room 315, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 7/19/83

SNELLING SUBDIVISION - WELLS ON INDIVIDUAL LOTS APPROVED WITH CONDITIONS

Chairman Edwards reported the Public Works Committee recommends that the developer of Snelling Subdivision be allowed to supply his lots with individual deep wells subject to approval by the appropriate authorities. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

DRAINAGE PROBLEM - RIDGE ROAD - REMOVED FROM THE AGENDA

Chairman Edwards reported the Public Works Committee recommends removal of this item from the Agenda with no action taken. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

GLEN EDEN PILOT PARK - PRIORITIES FOR PHASE II APPROVED; ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACT WITH HAL McNEELY ASSOCIATES.

Chairman Edwards reported the Public Works Committee recommends the following priorities for Phase II development of Glen Eden Pilot Park:

| | |
|---|---|
| Neighborhood Center | $250,000 |
| New Parking Lot Off Glen Eden Drive | 72,000 |
| Decks and Bridges | 20,000 |
| Pond Stabilization | 50,000 |
| Contingency | 23,000 |

The Committee further recommends that Hal McNeely Associates have prime responsibility for this phase of the project. On behalf of the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL COMMITTEE

TEXT CHANGE TC-233 - THOROUGHFARE DISTRICT - APPROVED; OFF-PREMISE SIGNAGE REFERRED TO APPEARANCE COMMISSION FOR REPORT BACK TO INTERGOVERNMENTAL COMMITTEE; PLANNING PERIOD DECLARED

Mr. Upchurch indicated the Intergovernmental Committee makes the following recommendations on the Thoroughfare District:

(1) The Committee recommends approval of TC-233 as written.

(2) The Committee recommends that the entire question of off-premise signage be referred to the Appearance Commission for study.

(3) It is further recommended that a 92-day period of planning and study commence and during this period no further permits will be issued for the construction of off-premise signs. Any permits obtained before approval of this planning period by the City Council will be honored.

On behalf of the Committee, Mr. Upchurch moved the recommendation be upheld. His motion was seconded by Mr. Keller and after brief discussion, put to a vote which pass unanimously. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 153 TC 190.

Mr. Upchurch indicated, as a point of personal privilege, he would like to request that Norma Burns, Chairman of the Appearance Committee, be allowed to speak. Without objection, this was agreed to.

Ms. Burns indicated the Appearance Commission is very aware that being asked to research this particular situation is a great challenge and important task. She stated it will take a tremendous amount of time and they will be very serious in their research. She stated, however, her concern is that with the amount of time involved that she would ask that the Council understand the seriousness of the Appearance Commission's involvement and to treat their recommendations seriously. She stated she is not asking the Council to approve their recommendations before the study even begins but just wants the Council aware of the seriousness of this nature and how the Appearance Commission plans to approach the task. She stated they would plan to hold a public forum, probably on August 18, to get input from the citizens. She stated they will publicize this as much as possible and they would like to hear as many voices as possible so that they can understand the public's concern and feelings on this issue. She stated it is good that this issue is under the guidance of the Intergovernmental Committee. She stated they want to do something that is useful and solve a problem and help everyone. After receiving Ms. Burns comments, it was agreed that the Appearance Commission would make their report on the question of off-premise signage to the Intergovernmental Committee.

ORDINANCE NO. (1983) 153 TC 190

AN ORDINANCE TO ESTABLISH A THOROUGHFARE ZONING DISTRICT.

WHEREAS, G.S. 160A-381 and G.S. 160A-382 authorize the City of Raleigh to establish zoning districts and therein to regulate height of buildings and other structures, the size of yards and other open spaces, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes; and

WHEREAS, this zoning regulation is designed to lessen congestion in the streets, to facilitate the adequate provision of transportation, to prevent the overcrowding of land, to enhance the value of roadside uses and properties adjacent to roadways, and to increase the attractiveness of Raleigh's entrance ways; and

WHEREAS, G.S. 160A-381 authorizes the Raleigh City Council to issue special use permits; and

WHEREAS, the County of Wake has a highway district and the establishment of this district will allow for a more coordinated transition when Raleigh's extraterritorial planning jurisdiction is extended; and

WHEREAS, it is intended generally that this district be applied adjacent to freeways major and minor thoroughfares which enter the planning jurisdiction and which also contain significant portions of vacant land; and

WHEREAS, common driveways and access points are encouraged herein for the purposes of lessening traffic congestion, preserving public safety, and optimizing the carrying efficiency of the roadway system.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA:

Section 1. That part ten, chapter two of the Raleigh City Code is hereby amended to add three new sections, 10-2045.1, 10-2045.2, and 10-2045.3, said sections to follow Section 10-2045, business district, and they shall read as follows:

"Section 10-2045.1 Thoroughfare district, use regulations.

(1) Permitted uses. The following uses are permitted in the thoroughfare district:

(a) all uses allowed in the Business District;

(b) off-premise signs;

(c) indoor and outdoor recreation uses, sports facilities, outdoor gathering areas, outdoor theaters;

(d) public utilities plants, storage terminals, facilities;

(e) industrial uses involving the processing of materials, fabricating, mixing, printing, assembling, cutting or repairing of articles and products for handling, storing and distribution of materials, articles, or products;

(f) above-ground bulk storage of flammable and combustible liquids if a public water supply is available for fire fighting purposes;

(g) transportation facilities, terminals, and storage;

(h) indoor operation of solid waste reclamation;

(i) Outdoor storage as an accessory use to the operation of an industrial, manufacturing or commercial use including the storage of coal, ores, minerals, stone, sand, gravel, earth building supplies and materials, lawn care or farm products, seeds, feed machinery, produce or grocery products, furniture, vehicle parts, outdoor sheds, dumpster areas, and paper when the storage area is enclosed with berms, plant materials (new or existing) structures including fences, walls or any combination thereof which uniformly reduce the horizontal view of the outdoor storage from any adjacent public street right-of-way or any adjacent property not zoned for industrial use by at least seventy-five percent (75%) to a height of six feet (6') above the ground elevation at the lot line year round. If plant materials are used for the screen, the height and view reduction requirements shall be obtained within three (3) years from initial planting. If a fence or wall is used for screening then plantings which will grow to a height of at least six feet (6') and which will hide the horizontal view of the fence or wall by more than fifty percent (50%) within three years from installation of the wall or fence are required. Screening is to be installed prior to the issuance of an occupancy permit for the site. If plantings cannot be installed at the time of occupancy due to weather conditions, they shall be installed within six months of occupancy. Compliance with the foregoing shall not relieve such uses from containing applicable outdoor use transition yard setbacks and screens;

(j) outdoor storage of vehicles, farm machinery, automobiles, motorcycles, mobile homes, vehicles used in the operation of a business or service, or boats when the yard space and tree planting area standards contained in Code Section 10-2061(c) are provided and maintained; however, in lieu of the required one tree per 15 parking spaces one such tree shall be provided and maintained for each 3,600 square feet of vehicular storage area (which is an equivalent area of fifteen regular parking spaces and aisle width). Compliance with the foregoing shall not relieve such uses from containing applicable outdoor use transition yard setbacks and screens;

(k) a maximum of forty (40) family dwellings per acre when:

(1) the residential development is located on a minimum tract or a residential subdivision consisting of at least ten acres;

(2) the yard setbacks of 10-2045.2(1) and supplemental thoroughfare yard setback of 10-2045.2(2)(a) are provided;

(3) the yard setback of any dwelling of a residential development which is within one hundred (100) feet of or adjoins the lot line of either any pre-existing outdoor storage use described in 10-2045.1(1)(i) or any pre-existing outdoor storage use of vehicles, boats, mobile homes, etc. described in 10-2045.1(1)(j) contains a transition screen. This screen shall conform to the requirements of 10-2045.2(2) such that it uniformly reduces the horizontal view of all outdoor storage and outdoor storage of vehicles including their accessory uses and off-street parking from all dwellings at the boundary line by at least seventy-five percent to a height six feet above the ground elevation year round;

(4) the dwellings of the residential development are located no closer to the lot line of any use listed in 10-2045.2(2)(b) existing at the time of site plan submittal than either one hundred (100) feet, or if a transition screen which conforms to 10-2045.2(2) is provided and maintained no closer than fifty (50) feet;

(5) the dwellings of the residential development are located no closer to the lot line of any use listed in 10-2045.2(2)(c) existing at the time of site plan submittal than either fifty (50) feet or if a transition screen which conforms to 10-2045.2(2) is provided and maintained no closer than twenty-five (25) feet.

(6) the dwellings of the residential development are located no closer to the lot line of any use listed in 10-2045.2(2)(d) existing at the time of site plan submittal than twenty-five (25) feet and this required twenty-five foot setback contains a transition screen which conforms to 10-2045.2(2); and

(7) pedestrian access is provided to shopping facilities public sidewalks, greenways, which are adjacent or across the street.

(2) Special use exceptions approved by the Board of Adjustment.

The following special use exceptions are permitted in the thoroughfare district if such uses conform to site standards of Section 10-1045.2 and height standards of 10-2064(a)(8) regulations of the district and are approved by the Board of Adjustment pursuant to Section 10-2073:

(a) day care facilities 10-2073(c)(12).

(b) private schools 10-2073(c)(13).

(c) air landing strips 10-2073(c)(15).

(d) riding stables 10-2073(c)(23).

(e) adult establishments 10-2073(c)(25).

(f) kennels and catteries 10-2073(c)(26).

(3) Special use exceptions approved by the Raleigh City Council.

The following special use exceptions are permitted in the thoroughfare district if approved by the City Council.

(a) telecommunications towers in accordance with 10-2023(1)n;

(b) certain types of on-premise signs in accordance with 10-2065.7;

(c) residential uses in 10-2072(b) through (d) provided such residential uses comply with 10-2045.1(1)(k), site standards of 10-2045.2, and height regulations of 10-2064(a)(8);

(d) Thoroughfare standards. In order to permit implementation of the thoroughfare zoning district without unreasonable diminution of property values or creation of unsafe conditions, the City Council under uniform rules, standards, and regulations set forth in this section may grant special use permits herein provided. Under this authority, the Council shall determine the facts of a particular case and their applicability to the provisions of this section. The council shall follow the procedures contained in 10-2094(d) in deciding any case arising under the authority of this section.

To permit:

1. uses allowed in the thoroughfare zoning district to locate in protective yard spaces required in 10-2045.1(1) and 10-2045.2(2);

2. uses allowed in the thoroughfare zoning district, except billboards, to locate above the maximum height limits in 10-2064(a)(8);

3. uses allowed in the thoroughfare zoning district to diminish the treescape and transition screen standards in 10-2045.1(1) and 10-2045.2(2);

4. access points to locate within spacing areas established in 10-2045.2(3).

After a finding by the City Council that:

a: Compliance with the regulations will create an unsafe traffic movement condition; or

b. Issuance of the special use permit will uphold the purposes of this ordinance as set forth in Ordinance No. (1983) _____ T.C. 233 and its attached background report; and either

c. Issuance of the special use permit is necessitated by the configuration of the boundaries of the lot that existed when the thoroughfare zoning district was first applied to the property; or

d. Issuance of the special use permit is necessitated by topographic or other features which:

(i) cause an unusual and unnecessary hardship on the applicant above and beyond what other applicants would meet; or

(ii) negate completely the usefulness of the requirement so as to eliminate the advantages of the regulation to the public.

(4) Prohibited uses. The following uses are prohibited in the thoroughfare district:

(a) all uses not allowed in Industrial-1 Zone;

(b) mining or quarries;

(c) open landfills;

(d) outdoor rifle ranges;

(e) storage yard for wrecked, dismantled or partially dismantled vehicles that are not stored for repair on the premise, or scrap or waste materials that are not an accessory use to a use allowed in this zone;

(f) mobile homes.

(5) Site plan approval.

(a) None of the uses in this zoning district will be permitted until a complete site plan and site plan application is submitted to the Planning Director. If the site plan includes only a portion of a parcel of land under one ownership, a preliminary circulation plan shall be submitted and be part of the site plan. A preliminary circulation plan shall show how the proposed development relates to the general location of roads and access points for the entire parcel and adjoining parcels under one ownership. The plan shall show proposed collector, streets or thoroughfares as shown in the current Thoroughfare and Collection Street Plan and access points to thoroughfares or freeways. The plan shall be modified with approval of future site plans to accommodate site changes.

The Planning Director shall certify that the improvements shown on the site plan meet the requirements of this code. If the Planning Director does not certify that the site plan does meet the regulations, the owner may appeal this decision to City Planning Commission which shall make its recommendation to the City Council.

All requirements of the Thoroughfare District are in addition to requirements for other site plans and special uses in this code (including a shopping area (10-2044(3)), and Chapter Three of this part.

The site plan shall show the following features with dimensions:

(1) location and arrangement of automobile parking and circulation and location of all access points;

(2) location of truck loading and unloading spaces and docks;

(3) landscaping and screening that is required by this code, location and size of existing and new trees in planting areas to comply with 10-2061(c), 10-2045.1(1)(i), (j), and (k), and 10-2045.2(2); the location, numbers, spacing, size, and type of planting, and details relating to earth berms, fences or walls for screening of other properties;

(4) location and use of the existing and proposed buildings and all accessory structures including service areas, private drives, dumpster locations, utility meters, pay windows, drive-in windows, and outdoor self-service facilities;

(5) location of existing and proposed signs;

(6) profile showing the height of buildings and accessory uses, structures and walls;

(7) existing and proposed public streets, and utilities, fire hydrants, storm sewer, culverts, and drainage structures with preliminary sizes;

(8) existing and proposed rights-of-way, and easements including off-site easement used by the site, and street pavement and sidewalks;

(9) existing project boundary and lot boundary and adjoining tracts or parcels of land under the same ownership;

(10) all zoning boundaries within one hundred feet of the site; a County tax map which shows all lots within one hundred feet of the site and which indicates which of those lots contain a residential dwelling, outdoor storage areas described in 10-2045.1(1)(i) and (j), and uses described in 10-2045.2(2)(b) through (d);

(11) location of freeway, thoroughfare, and collector streets shown on the current Comprehensive Plan;

(12) dedications and public improvements required by approved subdivisions on the property;

(13) existing and proposed topography and grading; and

(14) other features and dimensions which the Planning Director determines are necessary to evaluate whether the proposed improvements will meet the requirements of this code;

(b) Public improvements required by Chapter Three of this part, including street construction and dedication, are required if the site plan shows connection to a city utility system and the property is outside the city limits.

(c) After approval of a site plan, a copy of the approved plan shall be filed with the building inspector, and all building permits will be issued only in conformance with the approved site plan. Extensions, expansions, and additions to the approved site plan must be approved as described above. Site plans are required for all uses and expansion of uses and structures.

Section 10-2045.2 Same - site standards.

(1) Yard setbacks. All yard setbacks established herein shall be calculated as provided in 10-2063. The yard setbacks are as follows:

(a) From a street right-of-way fifty (50) feet, other than a thoroughfare.

Cross Reference: Yard setback for thoroughfares §10-2045.2(2)(a).

(b) Rear Yard - zero feet if an interior lot of the development or adjacent to any railroad right-of-way; twenty (20) feet if a peripheral lot on the perimeter of the development or subdivision.

(c) Side yard - zero feet if an interior lot of the development or adjacent to any railroad right-of-way; twenty (20) feet if a peripheral lot on the perimeter of the development or subdivision.

(2) Supplemental yard setbacks. It is recognized that the thoroughfare district permits a broad range of uses, including residences and industries, as such protective yard regulations are required. The yard spaces established in this section are supplemental to other yard spaces required in the thoroughfare district; however, these other yard spaces may be utilized to satisfy the requirements of the protective yard regulations if they otherwise comply with the special yard regulations. Whenever two or more transition yard setbacks are simultaneously applicable as, for example, a building which contains office and commercial uses, then the more stringent regulation is controlling.

The term transition screen as used herein, at a minimum shall consist of:

(i) berms, plant materials (new or existing), structures including fences, walls, or any combination thereof which uniformly reduces the horizontal view of the use including its accessory uses and off-street parking from an abutting residential dwelling, and the boundary of an adjacent residential zoning district by at least seventy-five percent (75%), to a height of six feet (6') above the ground elevation at the lot line year round; and

(ii) a treescape of at least one tree of a minimum height of ten (10) feet for every six hundred (600) square foot of transition yard setback area. Such trees shall be located at least fifteen feet (15') apart. The height to trunk caliper or spread relationship of any new tree shall meet the current American Standards of Nursery Stock set forth by the American Association of Nurserymen.

If plant materials are used for the screen, the height and view reduction requirements shall be obtained within three (3) years from initial planting. If a fence or wall is used for screening, then plantings which will grow to a height of at least six feet (6') and which will hide the horizontal view of the fence or wall by more than fifty percent (50%) within three years from installation of the wall or fence are required on the site of the fence or wall facing a residential dwelling or residential zone.

Screening is to be installed prior to the issuance of an occupancy permit for the site. If plantings cannot be installed at the time of occupancy due to weather conditions, they shall be installed within six months of occupancy.

Whenever a transition screen is used:

1. No removal of trees twenty feet (20') or greater in height, or grading within fifteen feet (15') of such trees, is allowed within ninety percent (90%) of the transition yard setback width closest to the residential zoning district and lot line; and

2. Fifty percent (50%) of the trees between twelve feet (12') and twenty feet (20') in height must be retained and grading is not allowed within ten feet (10') of such trees.

Additional trees may be removed, upon approval by the City Arborist, if they are in an unsafe condition, or are affected by any injurious fungus, insect, or other pest which may spread.

The minimum protective yard space for each lot or building site in a thoroughfare district shall be as follows:

(a) Thoroughfare yard. A ninety foot (90') landscaped setback is required from the adjoining thoroughfare street right-of-way, excluding public access roads parallel to the thoroughfare; provided, when a new right-of-way has been established the setback lines shall be calculated from the newly established right-of-way line. This ninety foot setback shall contain one tree of a minimum height of ten (10) feet for every twelve hundred (1,200) square feet within the setback area and required trees shall be located at least fifteen feet apart. The setback may be reduced to fifty feet (50') if the treescape is doubled, so that one tree of a minimum height of ten (10) feet is planted and maintained for every three-hundred (300) feet within the fifty foot setback area and required trees shall be located at least fifteen feet apart. If the tract fronts on and gains access from a public access road immediately adjacent and parallel to a thoroughfare, then a thirty (30) foot landscaped setback is required from the public access road; this setback shall contain one tree of a minimum height of ten (10) feet for every twelve hundred (1,200) square feet of remaining setback area and required trees shall be located at least fifteen feet apart. The height to trunk caliper or spread relationship of tree plantings shall meet the current American Standards of Nursery Stock set forth by the American Association of Nurserymen.

(b) Industrial, warehousing, and outdoor use transition yard setbacks.

The uses listed below, including their accessory uses, off-street parking, loading, and driveway areas, shall be located no closer than one hundred feet (100)' to a residential district zoning boundary and to the lot line of any residential dwelling existing at the time of site plan submittal. The transitional yard setbacks may be reduced to fifty feet from the lot line or residential zoning boundary line if a transition screen is provided and maintained. The following are required to provide the protective transitional yard setback required herein:

(1) industry including the processing of materials, fabricating, mixing, printing, assembly, cutting or repairing of articles and products for handling, distribution of materials, articles, or products;

(2) warehousing or storing indoors or outdoors, and wholesaling; indoor storage and stockpiling of materials;

(3) above-ground bulk storage of flammable and combustible liquids;

(4) transportation facilities, terminals, storage of trucks and buses;

(5) public utilities, plants, storage, terminals, and facilities;

(6) outdoor theaters, drive-in theaters, driving ranges, giant slides, swimming pools, tennis courts, go-cart courses, miniature golf, skating and skateboard areas, or similar uses;

(7) outdoor storage of vehicles, mobile homes, boats, farm machinery, automobiles, vehicles used in the operation of a business or service, or motorcycles;

(8) outdoor storage as an accessory use to the operation of an industrial, manufacturing or commercial use including the storage of coal, ores, minerals, stone, sand, gravel, earth, building supplies and materials, lawn care or farm products, seeds, feed, machinery, produce or grocery products, furniture, vehicle parts, outdoor sheds, dumpster areas, and paper.

(c) Commercial, institutional, and utility use transition yard setbacks.

The uses listed below, including their accessory uses, off-street parking, loading and driveway areas, shall be located no closer than fifty feet (50') to a residential district zoning boundary and to the lot line of any residential dwelling existing at the time of site plan submittal. The transitional yard setbacks may be reduced to twenty-five feet (25') from the lot line or residential zoning boundary line if a transition screen is provided and maintained. The following are required to provide the protective transitional yard setback required herein:

(1) retail, service, commercial uses, shopping areas, sales and service of equipment and vehicles, drive-in service;

(2) lodging, hotels, motels, camp grounds;

(3) colleges, universities, vocational schools, instructional facilities, libraries, galleries, museums;

(4) hospitals;

(5) asylums, penal and correctional institutions;

(6) public utilities substations.

(d) Office, communication, and emergency use transition yard setbacks.

The uses listed below, including their accessory uses, off-street parking, loading and driveway areas, shall be located no closer than twenty-five feet (25') to a residential district zoning boundary and to the lot line of any residential dwelling existing at the time of site plan submittal. The transition yard setback from a residential district or lot containing a residential dwelling shall contain a transition screen excluding only the requirements of 10-2045.2(2)(i) when off-street parking, loading, or driveways are located further than fifty feet to a residential district boundary line or residential lot line. The following are required to provide the protective transitional yard setback required herein:

(1) offices and laboratories;

(2) social and fraternal organizations;

(3) funeral homes;

(4) communication facilities;

(5) radio and television broadcasting and transmission facilities;

(6) fire stations and facilities housing emergency service vehicles.

(3) Access points and traffic movement. The term access point means a point of ingress and egress which may be a private driveway or public street. All public street locations shall also conform to Part 10, Chapter 3 of this code. All driveway access points shall also conform to requirements of 7-2004 of this code which may be greater than the standards listed below. Unless otherwise provided, all access point spatial requirements shall be calculated from center line to center line of access points. Whenever two or more access point limitations are applicable, the more stringent limitation is controlling.

(a) All lots, parcels, or any other division of land of four hundred (400) linear feet or less adjacent to a thoroughfare shall have no more than one access point connected to the thoroughfare. All lots greater than four hundred (400) linear feet adjacent to a thoroughfare shall have no more than one access point onto the thoroughfare for each four hundred (400) linear feet adjacent to the thoroughfare.

(b) Unless access to a lot, parcel, or any other lawful division of land existing at the time of application to this zoning district ordinance can only be physically made within a shorter distance, driveway access points will not be allowed along a thoroughfare within three hundred (300) feet of the intersection of two thoroughfares or along a thoroughfare within two hundred (200) feet of the intersection of the thoroughfare and any other street measured from the intersection of two right-of-way lines closest to the proposed access point.

Unless access to a lot, parcel or any other lawful division of land existing at the time of application of this zoning district makes this standard physically unobtainable, in which case access points are to be located from one another the greatest distance possible, access points with direct access unto a thoroughfare shall be no closer than two hundred (200) feet apart, measured from the center line of the

paving surface of a driveway to the closest right-of-way line of the intersecting street.

The City Director of Transportation may reduce or increase the above minimum distances by thirty percent (30%) to improve the sight distance if the sight distance for a vehicle entering the thoroughfare at the locations described above does not meet the standards established in Table L-4 or in Table J-3 for a divided thoroughfare with no median opening, contained in A Policy On Design of Urban Highways and Arterial Streets, 1973, by the American Association of State Highway and Transportation Officials.

(c) Driveway access points onto collector streets directly connected to the thoroughfares shall be located a minimum of one-hundred and fifty (150) feet from an intersection of the thoroughfare and collector street measured from the intersection of the two right-of-way lines closest to the proposed access point, provided that if the access point is adjacent to traffic lane(s) containing vehicles moving away from the thoroughfare, the minimum distance shall be one-hundred (100) feet. These distances may be reduced if access to a lot, parcel or any other lawful division of land existing at the time of application to this zoning district can only be physically made within a shorter distance. Access points onto private drives directly connected to thoroughfares shall allow for safe vehicular movement through the intersection of the private drive and the thoroughfare.

(d) The arrangement of uses shown on a site plan not requiring subdivision approval shall allow for reservation of street rights-of-way shown in the current Thoroughfare and Collection Street Plan and extension of adjacent "stubbed" streets.

(e) Access points shown on the site plan shall be limited to buildings designated and shown on the site plan.

(4) Lighting, noise, and siting performance standards.

(a) No exterior lighting in the zoning district shall cause an illumination in excess of four-tenths (4/10) maintained footcandle at the property line of a residence or the zoning district line of a residential district.

(b) The noise standards contained in Sections 12-5001 through 12-5004 are applicable to the thoroughfare zoning district.

(c) Garbage cans, dumpsters and utility meters shall be permanently screened from view of the right-of-way.

(d) Any outdoor pay windows, drive-in windows or outdoor service facilities located on a lot which directly adjoins a residential dwelling existing prior to the application of this zoning district or a residential zoning district boundary line without intervention of a public street, shall be located a minimum of one hundred feet away from any residential zoning boundary line and lot line of any residential dwelling existing at the time of site plan submittal.

(e) Landscaping. Those portions of any yard space not devoted to uses, buildings, structures or parking shall be covered by natural vegetation (including trees, shrubs, grasses or vines), water, or any combination thereof such that no part remains denuded or the bare soil exposed.

Section 10-2045.3 Thoroughfare sign regulations.

In thoroughfare districts, the following signs are permitted subject to applicable regulations contained in this code:

(a) all signs permitted in the shopping center district; and

(b) outdoor advertising signs which conform to the requirements in 10-2066 through 10-2066.3 of this code.".

Section 2. Section 10-2002 of the Raleigh City Code relating to zoning chapter definitions is hereby amended to add two new definitions, "protective yard" and "thoroughfares", said definitions are to follow the definitions of "projection" and "temporary sign" respectively and said new definitions shall read as follows:

"Protective yard. A yard which contains no parking, buildings, storage, loading areas, or off-premise signs. One-premise signs, walks, fences and walls are allowed in these yards; access points, streets, drainage facilities, and utilities, and which conform to 7-2004(e)(1), and if applicable 10-2045.2(3), 10-3049(e), 10-3052(b)(3), 10-3054(c), and 10-3055(c), respectively, are allowed in these yards.".

"Thoroughfare. A street either delineated as a freeway, major or minor thoroughfare shown on the current Comprehensive Plan.".

Section 3. Section 10-2011 of the Raleigh City Code relating to use districts is hereby amended to reletter Industrial I, Industrial II, and Historic districts letters s, t, and u respectively. Said section is hereby amended further to insert after "q. business district" the following: "r. thoroughfare district".

Section 4. The Table on Yard Requirements and Density Standards according to Zoning Districts referred to in section 10-2063(a) and appearing on page 10-41, Supplement No. 7, 4-83, is hereby amended to add a new horizontal line, said line to follow the fifteenth district Business and shall read as follows:

| District | Minimum Front Yard Space (in feet) | Aggregate Minimum Front and Rear Yards (in feet) | Aggregate Width Side Yards (in feet) |
|---|---|---|---|
| Thoroughfare | 90 if abutting a thoroughfare and no transition screen is provided or maintained, 50 otherwise | 180 through 50 depending on rear yard requirements | 0 if all sides are an interior lot within a development, or adjacent to a railroad right-of-way, 20 if one side is a peripheral lot on the perimeter of the development or subdivision and and an additional twenty feet per peripheral side lot. |

| Minimum Width Side Yards (in feet) | Corner Lot Minimum Side Yard (in feet) | Rear Yard (in feet) | Families Per Acre |
|---|---|---|---|
| 0 if an interior lot within a development, or adjacent to a railroad right-of-way, 20 if peripheral lot on the perimeter of the development or subdivision | 90 if abutting a thoroughfare and no transition screen is provided or maintained, 50 otherwise | 0 if an interior lot within a development or adjacent to a railroad right-of-way, 20 if a peripheral lot on the perimeter of the development, or subdivision, 50 if abutting a street right-of-way, or a thoroughfare with a transition screen, 90 if abutting a thoroughfare without a transition screen | 40 |

Section 5. Section 10-2064(a) of the Raleigh City Code relating to building height regulations is hereby amended to add a new subsection, 10-2064(a)(8), said new subsection shall read as follows:

"(8) In the thoroughfare district, except for buildings located closer than fifty (50) feet to any lot containing a residential dwelling existing at the time of site plan submittal or closer than fifty (50) feet to any residential zoning district boundary line, the height limits shall be fifty (50) feet; provided such buildings, except billboards, may be constructed to a height over fifty (50) feet if one foot of additional width is added to all required yards for every foot of height over fifty (50) feet. If the yard setback is greater than fifty (50) feet, then the height calculations for buildings over fifty feet in height shall start at the fifty foot mark. The height limits for buildings located closer than fifty (50) feet to any lot containing a residential dwelling existing at the time of site plan submittal or closer than fifty (50) feet to any residential zoning district boundary line

shall be thirty (30) feet; provided such buildings, except for billboards, may be constructed to a height over thirty (30) feet if one foot of additional width is added to all required yards for every foot of height over thirty (30) feet.".

Section 6. The first sentence of Section 10-2064(b)(2)c is hereby amended to add after the word "business" the following, ", thoroughfare,".

Section 7. The last sentence of Section 10-2066.1(3)d of the Raleigh City Code relating to setback requirements for off-premise signs is hereby repealed, rewritten, and reenacted to read as follows: "Except for outdoor advertising signs located in the thoroughfare zoning district, compliance with all other setback and yard requirements contained in this chapter are inapplicable to outdoor advertising signs.".

Section 8. The first sentence of Section 10-2066.1(3)e of the Raleigh City Code relating to spacing of off-premise signs is hereby repealed, rewritten and reenacted to read as follows: "Along major access corridors, or thoroughfares, outdoor advertising signs shall be located one thousand (1,000) feet apart.".

Section 9. The first paragraph of Raleigh City Code Subsection 10-2073(c)(23) riding stables, is hereby amended to delete the word "and" and to insert after the word "business" the following: "and, thoroughfare".

Section 10. The first sentence of 10-2073(c)(25) of the Raleigh City Code relating to zoning districts which allow adult establishments is hereby amended to insert immediately before the word "and" the following: "thoroughfare".

Section 11. The first sentence of 10-2073(c)(26) of the Raleigh City Code relating to zoning districts which allow kennels and catteries is hereby amended to delete the words "and" and "districts" therein, and to insert after the words "shopping center districts", the following: "thoroughfare districts".

Section 12. Section 10-3003 of the Raleigh City Code relating to definitions contained in the subdivision chapter, is hereby amended to add a new definition, access point, said definition is to be the first definition of Section 10-3003 and it shall read as follows:

"access point. A point of ingress and egress which may be a private driveway or public street.".

Section 13. Article C of Chapter Three, part ten of the Raleigh City Code relating to subdivision design standards is hereby amended to add a new subsection, 10-3058, said new subsection is to follow 10-3057 and shall read as follows:

"Sec. 10-3058. Access points.

All land shown on the City of Raleigh Official Zoning Map as Thoroughfare Zone shall be subject to the following regulations:

(a) Any subdivision of land of four hundred (400) lineal feet or less adjacent to a thoroughfare shall have no more than one access point connected to the thoroughfare. Any subdivision of land with greater than four hundred (400) lineal feet adjacent to a thoroughfare shall have no more than one access point connected to the thoroughfare for each four hundred (400) lineal feet adjacent to the thoroughfare.

All subdivision lots either lawfully recorded or lawfully approved by the City prior to the application of this regulation which abut a thoroughfare are exempt from this provision.

(b) No public street or private driveway, pursuant to 10-3074, intersection with a thoroughfare shall be located within one thousand (1,000) feet of the intersection of the thoroughfare and another thoroughfare.

(c) If access to a lot is to be a public street other than a thoroughfare, such access shall be stated or shown on the recorded plat. If the access is onto a thoroughfare, the location that meets the standards of this code shall be shown on the recorded plat.

(d) A recombination of lots which may either increase the number of potential access points along a thoroughfare needed for the lots being recombined or make existing access points nonconforming to the regulations in 10-3058 or 10-2045.2(3), is a violation of the standards of this chapter and is impermissible unless an appropriate legal instrument is recorded indicating that the potential number of access points before and after the recombination cannot be any greater than prior to the recombination. If a proposed recombined lot has no access points onto a public street, or cannot obtain access that meets the standards of this code, then prior to the approval of the recombination, a site plan which meets the requirements of 10-2045.1(5) shall first be approved.

Section 14. The first sentence of Section 7-2004(e)(1) of the Raleigh City Code is hereby amended to delete the period at the end of said sentence and to add the following words and punctuation: "and shall only be allowed if the driveway is the shortest distance to a parking area.".

Section 15. Table 1 of Section 12-5003 of the Raleigh City Code relating to dB(a) Noise limitations, is hereby amended to insert a new zoning district in the first column of the third line of said table, said new district is to precede the work "Industrial" and shall read "Thoroughfare".

Section 16. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 17. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 18. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 19. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 20. Sections Twelve and Thirteen of this ordinance shall be filed with the Wake County Register of Deeds as required by law.

Section 21. This ordinance shall become effective ten days following its adoption.

Adopted: 7/19/83

Effective: 7/29/83

REPORT AND RECOMMENDATION OF THE MUNICIPAL BUILDING COMMITTEE

MUNICIPAL PARKING DECK - ARCHITECT AUTHORIZED TO SEEK BIDS

Mr. Edwards presented rendering of the proposed Municipal Building Parking Deck. The design was briefly explained to the Council. Mr. Edwards reported the Municipal Building Committee recommends approval of the design for the new Municipal Building Parking Deck as presented and that the architect be directed to obtain bids on this project. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

MUNICIPAL BUILDING - CHANGE ORDER - APPROVED

Chairman Edwards reported the Municipal Building Committee recommends approval of a change order calling for Inverted Roof Membrane Assembly in lieu of the conventional roof specified with no additional cost involved. (Council Members received additional information included in their Agenda packets.) On behalf of the Committee, Mr. Edwards moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

DOWNTOWN PROJECTS - TIMETABLES - APPROVED

Mayor York indicated Council Members received in their Agenda packets proposed timetables for the various Downtown projects which are recommended for approval. Mayor York stated every effort would be made to adhere to the timetables, however, if there needs to be a change, that could be accommodated. Mr. Edwards moved the timetables be adopted. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

MARKET PLAZA DESIGN - APPROVED; ITEM RETAINED IN COMMITTEE

Mayor York indicated the Downtown Committee recommends approval of the final design of Market Plaza as presented by Bell Design Group so that payment may be made to Bell Design Group. The Committee further recommends that the item be held in Committee until a decision is made as to when the City should go to bid on this project. Mr. Edwards moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

MARKET PLAZA ASSOCIATES - ENCROACHMENT - AUTHORIZED

City Attorney McCormick indicated in doing the final plans for the Market Plaza Associates' work it has been found that there is a slight encroachment of the building at 17 East Martin Street onto East Martin Street. He pointed out this is a two to three-inch encroachment on the City right-of-way. He stated he would suggest that the City Council approve the encroachment provided the standard Encroachment Agreement is executed and subject to Administration's approval. Mr. Edwards moved the

recommendation, as outlined, be upheld. His motion was seconded by Mr. Keller and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

## REPORT AND RECOMMENDATION OF THE ARTS COMMISSION

NONE

## REPORT AND RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY BOARD

PULLEN PARK - HELIUM-FILLED BALLOONS - ADMINISTRATION AUTHORIZED TO GO TO BID

It is recommended that the sale of helium-filled balloons be approved for Pullen Park. Public advertisement and bidding is required. The Park Board recommends a minimum acceptable bid of 25% of gross sales. Rental of storage space $30 per month. The Board proposes this to be a one calendar year duration initially; then evaluate the proposal.

Mr. Upchurch moved the recommendation, as outlined, be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

PARKS AND RECREATION DEPARTMENT - SENIOR CITIZENS DISCOUNT - AUTHORIZED

Carole Sawicki was at the meeting to report the recommendation of the Parks and Recreation Advisory Board relative to the possibility of a Senior Citizens Discount. She gave an account of how this came about as the result of a young housewife taking her grandmother to Pullen Park and the grandmother being upset that there was no senior citizens' discount. She stated the young lady called Hotline and as a result of her call to Hotline, this matter was researched and considered by the Board. She pointed out there are 32,000 senior citizens in Wake County with about one-third of them making $3,000, or less, per year. She pointed out the Parks and Recreation Advisory Board considered the following proposal:

> Upon receiving an identification card (cards are free and will be issued from all staffed community centers) from the Raleigh Parks and Recreation Department, any City of Raleigh resident age 62 and over will receive the following discounts:
>
> 1. A 50% reduction will be given for resident participation fees now charged at Community Centers, Arts & Crafts Centers, and for athletic programs.
>
> 2. A. A 50% reduction will be given at amusement areas for all rides, boat rentals, daily boat launchings, and daily swim fees. The areas currently included are Lake Wheeler, Pullen Park, Chavis Park, Shelley Lake, Optimist Pool, Biltmore Hills Pool, and Martin Pool.
>
> B. The gate fee at Lake Wheeler will remain at $1.25.
>
> C. No reduction will be given on fees and charges at Camp Durant.
>
> D. Pier fishing at Lake Wheeler will continue to be free.
>
> E. Bank fishing at Simpkins Pond will continue to be free.
>
> 3. There will be no reduction for reservations at Parks and Recreation facilities such as picnic facilities or for building and equipment rentals.
>
> 4. Classes offered specifically for senior citizens will be offered at a rate determined by supervisors and instructors. These charges will always be kept to a nominal fee.

Ms. Sawicki briefly described the discussion that took place in the Parks and Recreation Advisory Board Meeting, as well as the vote. She indicated the Board feels that approval of this proposal would let the senior citizens know that the City of Raleigh cares. Mr. Jordan questioned the impact of the discount on the income to the Parks and Recreation program with Ms. Sawicki indicating they felt the impact would be nominal. Mayor York questioned if there is any problem offering a senior citizen's discount, with City Attorney McCormick indicating there is not. Mr. Calloway questioned the possibility of having a trial period. Mr. Upchurch questioned if we give a discount to children. After brief discussion, Mr. Jordan moved the recommendations of the Parks and Recreation Advisory Board be approved as presented. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

## REPORT AND RECOMMENDATION OF THE CITY MANAGER

SANITARY SEWER USE ORDINANCE - REVISION - APPROVED

A copy of the proposed revisions to the Sanitary Sewer Use Ordinance, as referenced above, as revised and modified to reflect the requirements of the National Water Pollution Control Act (40CFR403) and the State General Pretreatment Regulations (15NCAC2H.0900) was included with Council Members' Agenda packets.

It is recommended that the City Council adopt this amendment to the City Code to fulfill our obligation under the grant of Federal funding received in the past.

Assistant City Manager Benton briefly explained that as a requirement of the Federal EPA Grants Program, it was necessary for us to review, revise and modify our Sanitary Sewer Use Ordinance. Public Utilities Director Butler briefly explained the proposed changes and how they have come about and the process they have gone through. He indicated these have been submitted to the State and the EPA and they feel it is appropriate for the City Council to approve these revisions. He stated he really did not anticipate any changes other than the possibility of some self-monitoring programs which are required by law. Mr. Edwards moved the revision, as included in the Agenda, be adopted. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Ordinance 154.

Assistant City Manager Benton indicated generally when the City tries to undertake a project such as this, we have to hire a consultant. He indicated our Public Utilities staff has done this revision in-house without having to hire a consultant and they should be commended for that effort.

ORDINANCE NO. (1983) 154

AN ORDINANCE TO AMEND CHAPTER 8 OF THE CODE OF THE CITY OF RALEIGH ENTITLED "PUBLIC UTILITIES"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Article C, Chapter Two of Part Eight of the Raleigh City Code is repealed, rewritten, and reenacted to read as follows:

"ARTICLE C

USE OF SANITARY SEWER SYSTEM

Section 8-2111 - Definitions

Unless the context in which the following terms appear specifically indicates otherwise, the meaning of the terms, as used in this chapter, shall be as follows:

(1) Act - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, Et. Seq.

(2) B.O.D. - (Denoting five-day biochemical oxygen demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter as measured by standard laboratory methods, in five (5) days at 20 degrees Celsius as set out herein, expressed in mg/1.

(3) City - The City of Raleigh.

(4) C.O.D. - (Denoting chemical oxygen demand). The quantity of equivalent oxygen utilized in the chemical oxidation of organic matter as measured by standard laboratory methods, as set out herein, expressed in mg/1.

(5) Color - The true color due to substances in solution which cause any variation in the hue of the receiving stream.

(6) Director - The Director of Public Utilities of the City of Raleigh.

(7) Domestic Sewage - Water-carried waste from bathrooms, toilet rooms, kitchens and home laundries.

(8) Excessive Radiation Dose - A dose of radiation in excess of the maximum dose.

(9) Garbage - Solid wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-quarter (¼) inch in any dimension.

(10) Industrial Wastes - The water-carried wastes from industrial, institutional and commercial processes and operations as distinct from domestic sewage.

(11) I.O.D. - (Denoting immediate oxygen demand). The quantity of oxygen utilized by an industrial waste in excess of that normally attributable to sewage as measured by using standard laboratory methods, as set out herein, expressed in mg/1.

(12) Maximum Permissible Dose - A dose of radiation to any part of the body, internal or external, or both, that in the light of present knowledge, is not expected to cause appreciable bodily injury to a person at any time during his lifetime.

(13) mg/l - (Denoting milligrams per liter).. Parts per million by weight.

(14) Person - Any individual, business entity, partnership, corporation, governmental agency or political subdivision.

(15) pH - The logarithm (base 10) of the reciprocal of the hydrogen ion concentration, and indicates the degree of acidity or alkalinity of a substance. A pH value of 7.0 is neutral, above 7.0 is alkaline and below 7.0 is acid.

(16) Public Sewer - A sanitary or storm sewer which is controlled by the City and in which all owners of abutting properties have equal rights.

(17) Receiving Stream - A body of water, stream, or watercourse receiving the discharge waters from the waste treatment plant or formed by the waters discharged from the waste treatment plant.

(18) Sanitary Sewer - A sewer which carries sewage or industrial wastes.

(19) Sewage - A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

(20) Sewage Works - All facilities for collecting, pumping, treating and disposing of sewage.

(21) Sewer - A pipe or conduit for carrying sewage.

(22) Shall is mandatory, May is permissive.

(23) Significant Industrial Users - Any individual user of the City's sewage works which (i) has a discharge flow of 25,000 gallons or more per average workday, (ii) has in its wastes toxic pollutants as defined pursuant to Section 1317 of the act, or (iii) is determined by the City, the North Carolina Division of Environmental Management (DEM) or the United States Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other industries, upon the sewage works, the quality of sludge produced by the sewage works, the sewage treatment systems' effluent quality, or air emissions generated by the sewage works.

(24) Storm Sewer or Storm Drain - A sewer which carries storm or surface waters and drainage, but excludes sewage and industrial wastes.

(25) Suspended Solids - Solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

(26) Waste Treatment Plant - Any arrangement of devices and structures used for treating and disposing of sewage.

(27) User - Any person utilizing the City sewage works for discharge of waste; and any person using a lot, parcel of land, building or other premises connected to and discharging sewage, industrial wastewater or other liquid, into the sanitary sewage system of the city, and who pays, or who is or would be legally responsible for the payment of utility rates or charges made against said premises upon its connection to the water distribution system of the City.

## Section 8-2112

### Injury to Systems; Removing, Damaging, Breaking, Etc.

It shall be unlawful for any person to remove, damage, or interfere with any water or sewer pipes belonging to the City, or to remove, break, or injure any portion of any manhole, flush tank, or any part of the water system or sewerage system. Provided, it shall further be unlawful for any person to cut off or discontinue water service to any part of the City system without the written consent of the Director of Public Utilities.

## Section 8-2113

### Prohibited Use of Public Sanitary Sewers

(a) Prohibited Substances Enumerated:

In order that the biological treatment process is not subjected to unacceptable levels of toxic wastes and so that the process can function properly to meet State and Federal standards, it shall be unlawful for any person to discharge or deposit either directly or indirectly, any of the following materials into any sanitary sewer of the City except those pre-treated pursuant to subsection (b) herein or discharged pursuant to approved applications as provided in Section 8-2114 herein:

(1) Any industrial waste..

(2) Any waste, water or other medium containing concentrations of heavy metals in excess of the following concentrations ,

Maximum For One Day:

| | | |
|---|---|---|
| 0.05 | mg/1 | Arsenic |
| 100.0 | mg/1 | Barium |
| 0.0 | mg/1 | Cadmium |
| 1.0 | mg/1 | Total Chromium |
| 1.0 | mg/1 | Copper |
| 0.2 | mg/1 | Cyanides (Total) |
| 0.3 | mg/1 | Lead |
| 0.05 | mg/1 | Mercury |
| 1.0 | mg/1 | Nickel |
| 0.03 | mg/1 | Selenium |
| 0.3 | mg/1 | Silver |
| 1.0 | mg/1 | Zinc |

(3) Those having a 5-day BOD of more than 300 mg/1.

(4) Those having suspended solids of more than 250 mg/1.

(5) Those having a COD of more than 600 mg/1.

(6) Those having an IOD of more than 5.0 mg/1.

(7) Those having a pH lower than 5.5.

(8) Those having a pH higher than 10.5.

(9) Those having a temperature higher than 150 degrees F.; 65.5 degrees C.

(10) Those containing more than 100 mg/1 of oil and grease regardless of origin - animal, vegetable, mineral, petroleum or others.

(11) Any Wastewater Containing In Excess Of:

| | | |
|---|---|---|
| 20 | mg/1 | Ammonia Nitrogen |
| 10 | mg/1 | Nitrate |
| 10 | mg/1 | Sulphide |
| 500 | mg/1 | Sulphate |
| 250 | mg/1 | Chloride |
| 250 | mg/1 | Sodium |
| 10 | mg/1 | Phosphate |
| 2 | mg/1 | Flouride |
| 4 | mg/1 | Iron |
| 4 | mg/1 | Manganese |
| 0.1 | mg/1 | Phenolic Compounds |
| 0.25 | mg/1 | Total Identifiable Chlorinated Hydrocarbons |
| 5 | pCi/1 | Radioisotopes |

(12) Those containing any toxic or poisonous substances in sufficient quantities to interfere with the treatment process (item a) including but not being limited to cyanide.

(13) Those containing strong iron pickling wastes or concentrated plating solution unless pretreated in such a way as to comply with all other limitations of this chapter.

(14) Those containing all solid or viscous substances including but not being limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, concrete, marble, stone, rocks, bones, feathers, slurry, lime residues, slops, whole blood, fleshings, chemical residues, paint residues, waxes, asphalt, hair, tar, plastic, wood, paunch manure, butcher's offal, animal viscera, clothing, textile remnants, fibers, waste cloth, scraps, ground paper or plastic products or any other substances capable of causing obstructions of any kind in either the collection system or any point in the treatment plant. Also, any waste that will not pass through a one-fourth (¼) inch mesh screen or its equivalent in screening ability is not to be discharged into the sanitary sewer, but disposed of by an alternative means.

(15) Those containing any substances that contain dyes or other color of such character and quantity as to prevent removal by biological processes employed at the plant.

(16) Those containing any liquid or other such substances that require excessive amounts of chlorine for stabilization in addition to biological treatment. The excess chlorine demand exerted by such waste shall be determined by comparing the chlorine demand of said waste to the average chlorine demand of all other wastes entering the treatment plant.

(17) Those of such a nature that will cause contamination of the wastes in the collection system, or which may contaminate the treatment plant, or the receiving waters of the State, resulting in injury or harm to persons, livestock or aquatic life.

(18) Any garbage that has not been properly shredded.

(19) Any gasoline, kerosene, benzene, naphtha, fuel, or motor oil, or any other flammable or explosive liquid, solid or gas.

(20) Any radioactive materials in a solid state or in a solution which can be removed by physical or chemical means and can be disposed of in solid form. Further, any radioactive substance in soluble ion form in sufficient quantities to create a health or life hazard, under any conditions to sewage works personnel or to the biological life in the waste treatment plant or receiving stream.

(21) Any materials which form excessive amounts of scum or foam that may interfere with the operation of the waste treatment works or cause undue additional labor in connection with operation.

(22) Any water, waste or other medium containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the waste treatment plant.

(23) Any water, waste or other medium which in concentration of any given constituent or in any quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five (5) times the average 24-hour concentration of flows during normal operation.

(24) Any substance which may cause any product of the sewage treatment works other than effluent, such as residues or sludges, to be unsuitable for treatment, reclamation or reuse, or to interfere with the treatment, reclamation or reuse of such products.

(25) Any substance which causes the City treatment works to violate its NPDES or State Disposal System Permit or the receiving water standards.

(b) Pretreatment Required:

All persons generating wastes described in subsection (a)(1)-(25) above shall pretreat or otherwise dispose of same as to make the waste discharged to the public sewer acceptable under the standards established in Section 8-2114 herein.

(c) Stormwater Drainage and Other Waters Prohibited:

No person shall discharge or cause to be discharged any storm water, subsurface water, ground water, roof runoff, subsurface drainage, cooling waste or unpolluted industrial or commercial process water into any sanitary sewer.

(d) Federal Categorical Pretreatment Standards:

Upon the promulgation of the Federal categorical pretreatment standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance. The City shall notify all affected users of the applicable reporting requirement under 40 C.F.R., Section 403.12.

(e) State Requirements:

State requirements and limitations on discharges shall apply in any case where they are more stringent than either Federal requirements or limitations imposed under this article.

(f) Sludge Disposal:

In no case shall a substance discharged into the sewage works cause the City to be in noncompliance with the sludge use or disposal criteria, guidelines, or regulations adopted under Section 405 of the Act, or any criteria, guidelines, or regulations affecting sludge use or disposal pursuant to the Solid Waste Disposal Act, the Clean Air Act, Toxic Substances Control Act, or any other State requirements applicable to sludge management.

(g) Excessive Discharge:

No user of the sewage works shall increase the use of process water or in any way dilute or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pre-Treatment Standards or in any other pollutant-specific limitation developed by the City or State, except with respect to the pH limitations set forth in Section 8-2113(7) and (8) hereof, and then only after written permission from the Public Utilities Department of the City.

Section 8-2114

Permissive Use of Public Sanitary Sewers and Other Waste

(a) Any person who shall hereafter desire to discharge any industrial or otherwise prohibited wastes into the City's sanitary sewers or who shall discharge such wastes, shall, before making any such discharge, first apply to the Director of Public Utilities for permission to do so. The Director of Public Utilities shall grant such permission when evidence is submitted by the applicant that the discharge of wastes into the public sewers will comply with the requirements of this chapter. Disputes over the sufficiency of such evidence shall be first to the City Manager and then to the Council.

(b) Applicant shall provide, at their own expense, such preliminary handling as may be necessary to control the quality and rates of discharge of such wastes over a 24 hour period. Plans, specifications and other pertinent information relating to proposed preliminary treatment for handling facilities shall be submitted for the approval of the Director of Public Utilities and no construction of such facilities shall be commenced until such approval is obtained in writing; however, the approval of such plans by the Director will, in no way, relieve such persons of the responsibility for modifying the facility once constructed as necessary to produce an effluent acceptable to the Director under the terms of this chapter.

(c) With the written approval of the Director of Public Utilities, wastes having the following characteristics may be admitted into the City's sanitary sewers upon the payment of an additional charge:

(1) Those having a BOD greater than 300 mg/1, but less than a maximum of 1500 mg/1;

(2) Those containing suspended solids of more than 250 mg/1, but less than a maximum of 1000 mg/1;

(3) Those having a BOD greater than 600 mg/1, but less than a maximum of 3000 mg/1.

(d) With the written approval of the Director, a temporary permit may be issued to exceed the limits of Ammonia Nitrogen, Nitrate, Chloride and Sodium, provided that the temporary limits not exceed 50 mg/1 for $NH_3$-N, 250 mg/1 for Nitrate and 2500 mg/1 for Chloride or Sodium. Furthermore, the total of all oxygen demand for temporary permits may not exceed 20% of the difference between the firm supply of oxygen of the plant and the projected oxygen demand of domestic waste at full plant flow.

(e) When industrial wastes, with the concentrations of BOD exceeding the 300 mg/1 limit and solids exceeding the 250 mg/1 limit hereinafter prescribed, or other temporarily permitted wastes are discharged into the City's sewers, a monthly surcharge shall be imposed upon the responsible industrial or other user, based upon the excess pounds of BOD and suspended solids contained in the user's sewage flow. Such excess shall be calculated as the difference between the actual, 5-day BOD and suspended solids concentrations found by the Public Utilities Department, and the permissible limits, all based upon the user's water flow as measured by the procedure described in Section 8-2116. The surcharge shall be imposed in addition to the normal sewer service and shall consider the waste characteristics determined during the most recent six (6) month period.

(f) The amount of the surcharge per pound shall be established upon adoption and, thereafter, for the following fiscal year by the City Council at the time of the adoption of its annual budget estimate in June and shall be applied beginning with the following July billing, and during the subsequent months of the fiscal year. The surcharge shall be large enough to cover the total projected cost of treating excess industrial waste for the following fiscal year and of administering the industrial waste provisions of the City Code. Projected costs shall be based upon actual costs experienced during the preceding fiscal year.

(g) Applicants shall provide grease, oil and sand interceptors when, in the opinion of the Director of Public Utilities, they are necessary for the proper handling of liquid wastes containing grease, flammable substances, sand, or other such ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be maintained by the owner at his expense in continuous and efficient operation at all times.

(h) Notice by the user shall be given to the Director of Public Utilities, in advance or at the earliest possible time, when normal operations of the industry will be interrupted for 24 hours or longer, when wastes will not be available for discharge, or when a change of process is contemplated which will alter demands on the municipal treatment facilities.

(i) Users shall make wastewater acceptable under the limitations established herein before discharging into any sanitary sewer. Any facilities required to hold or pretreat wastewaters to a level acceptable to the City shall be provided and maintained at the user's expense, in continuous efficient and satisfactory operation at all times.

(j) Any person discharging industrial wastes into the public sewers may be required to construct and maintain a suitable control or inspection manhole either downstream from any treatment storage, or other approved works, or if pretreatment works are not required, at the point where the wastes enter the public sewer. Such manhole shall be located so as to be readily accessible and shall be constructed in a manner approved by the Director to facilitate any inspection or measuring which may be necessary for the proper sampling and/or control of the waste discharged. If the manhole is inside the user's fence, there shall be accommodations to allow safe and immediate access for City personnel, such as a gate secured with a City lock.

## Section 8-2115

## Powers and Authority for Inspection

(a) No user shall prohibit the Director or any duly authorized employee of the Public Utilities Department from entering any property when the purpose of such entry is the carrying out of inspections, observations, measurements, samplings and testings necessary for the proper enforcement of this chapter. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identifications, personnel from the City will be permitted to enter without delay for the purposes of performing their specific responsibilities.

(b) All tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be made in accordance with the procedures given in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, or in accordance with procedures acceptable to North Carolina and Federal authorities. Such tests and analyses shall be determined at the control manhole provided for in Section 8-2114(j), or at the point of discharge of any waters or wastes at the site of their origin on the premises of any person discharging such wastes into the sanitary sewers.

(c) All users shall sample effluent quality according to the following schedule:

| Flow (Gallons Per Day) | Self Sampling Frequency |
|---|---|
| 0 - 10,000 | Once Per Month |
| 10,000 - 50,000 | Twice Per Month |
| 50,000 - 100,000 | Once Per Week |
| 100,000 - 250,000 | Twice Per Week |
| Over - 250,000 | Daily |

More frequent intervals of sampling may be prescribed by the City. The results of these tests will form the basis for the semi-annual reports required in Section 8-2121 hereof.

## Section 8-2116

## Measurement and Flow

(a) The volume of flow used in determining the applicant's total discharge of industrial wastes shall be based:

(1) Upon metered water consumption as shown in the records of meter readings maintained by the City of Raleigh Water Billing Department. In the event that a person discharging wastes into the sanitary sewers produces evidence to the Director that more than 10 percent of the total annual volume of water used for all purposes does not reach the sanitary sewers, then an estimated percentage of total water consumption to be used in determining industrial waste discharge may be agreed upon between the Director and the person discharging such industrial wastes into the sanitary sewers.

(2) At the individual discharger's option, upon other flow measuring devices, which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the Public Utilities Director. The metering system shall be provided by the owner at his expense and shall be maintained in continuous and satisfactory operation by the owner at his expense.

(b) When any person discharging wastes into the sanitary sewers procedures all or any part of his water supply from sources other than the City of Raleigh Public Utilities Department, the person discharging the waste shall install and maintain at his expense water meters of a type approved by the Public Utilities Director for the purposes of determining the proper volume of waste discharged to such sewers.

## Section 8-2117

### Determination of Character and Concentration of Wastes

(a) The industrial waste of each person discharging into the sanitary sewers shall be subject to periodic inspection by authorized personnel. A determination of character and concentration of such waste shall be made quarterly or more often as may be deemed necessary by the Public Utilities Director or his authorized personnel. Such inspection and tests shall also be made immediately after any process change which may affect the quantity or quality of the wastes discharged.

(b) Samples shall be collected by authorized personnel in a manner satisfactory to the approving authority as to be representative of the character and concentration of the waste under operational conditions. Laboratory methods used in the examination of such waste shall be those set forth in Standard Methods, referred to in Section 8-2115(b) above, a copy of which is on file with the City Clerk for inspection by the public.

## Section 8-2118

### Depositing Substances in Manholes

No substance, either solid or liquid, shall be put into the public sewers of the City at any manhole or in any other way than through a proper connection.

## Section 8-2119

### Penalties

(a) If any user shall discharge any prohibited material into the sanitary sewers without first applying for and receiving permission from the Public Utilities Director under the standards prescribed in this chapter or shall violate the terms of such permission, the Manager of the Water Billing Department shall, upon 24 hours notice, if such person is using the City's water system, cause the termination of such person's connection with the City system. The connection shall be resumed thereafter only at such person's expense and only with the approval of the Director of Public Utilities based upon a satisfactory rectification of all past violations of this chapter and an assurance that no future violations will take place. If such person does not use City water exclusively, the Director of Public Utilities shall, after 24 hours notice, cause his connection with the City's sewer system to be severed. Such connection shall be resumed only under the conditions outlined above for the resumption of a disconnected water service.

(b) It shall be unlawful for any person to violate any provision of the City Code relating to the pretreatment, disposition, or discharge of wastes; and each violation thereof, and each day on which there is a failure to comply with the terms of said provision shall be a distinct and separate offense and punishable as such.

(c) It shall be unlawful for any person maliciously or willfully to damage, destroy, uncover, deface, or tamper with any equipment or materials belonging to the City of Raleigh and used, or intended to be used, for the purposes of taking samples or making measurements, tests, examinations or repairs to the sewer system or water system of the City. Violators shall be guilty of a misdemeanor and shall be punished as provided by law.

(d) Any user who willfully or negligently violates any provisions of this article, or falsifies any information or data in any application, plans, reports, or other document given to the City under this article, shall be guilty of a misdemeanor punishable by a fine or imprisonment or both, as provided in G. S. 14-4.

(e) Any user who violates any provisions of this article shall be subject to the imposition by the Raleigh City Council, of a civil penalty not to exceed $5,000 for each violation, and, in addition, shall reimburse the City upon demand for any expenses, loss or damage actually sustained by the City to its sewer system, treatment plant, treatment processes or receiving waters as a result of such a violation, and for the amount of any fine or penalty imposed upon the City by any State or Federal regulatory agency as a result of such violation. A civil penalty shall be assessed only after the City shall have given the alleged violator notice of contemplated City Council action, and a hearing if requested.

(f) The Public Utilities Director for the City of Raleigh shall enforce the provisions of this ordinance and shall take such steps as may be required by Federal or State law to insure full compliance with the pretreatment standards and all discharge requirements of this article in addition to any other applicable Federal rules and regulations. In addition to any powers previously described herein, in enforcing the applicable standards, rules, regulations or sewer discharge limitations, the Director may, in his discretion:

(1) Issue and attach such conditions to permits provided for herein as may be necessary;

(2) Find facts and issue compliance orders which require industrial user compliance with pretreatment standards and requirements;

(3) Issue inspection orders providing for the inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards;

(4) Seek injunctions or other equitable remedies as may be provided by law;

(5) May exclude and prevent from being discharged into the City's sewer system any waste materials which violate this article by disconnection or termination of service, according to procedures of subsection (a).

Section 8-2120

Accidental Discharges

(a) Notification Required:

In the case of an accidental discharge of prohibited substances or other substances regulated by this ordinance, it is the responsibility of the user to immediately telephone and notify the City of Raleigh of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and the user's anticipated corrective actions.

(b) Written Notice:

Within five (5) days following an accidental discharge the user shall submit to the Public Utilities Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the City, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(c) Notice to Employees:

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of the user whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

Section 8-2121

REPORTING REQUIREMENTS

(a) Compliance Date Report:

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source following commencement of the introduction of wastewater into the treatment works, any user subject to pretreatment standards and requirements shall submit to the Director of Utilities a report indicating the nature and concentration of all pollutants in the discharge from the user's regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flows for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional steps are necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional engineer.

(b) Periodic Compliance Reports:

(1) Any user subject to a pretreatment requirement after the compliance date of such pretreatment requirement or, in the case of a new source, after commencement of the discharge into the treatment works, shall submit to the Director of Public Utilities during the months of June and December, unless required more frequently in the pretreatment standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all measured or estimated daily flows which, during the reporting period, exceeded the average daily flow reported in Paragraph 8-2114(a) of this section. At the discretion of the Director and in consideration of such factors as local high or low flow

rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

(2) The Director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this subsection shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and concentration, or production and mass where requested by the Director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard.

(c) Disclosure of Information:

(1) The City shall annually publish in a local newspaper having general circulation in the Raleigh area, a list of the user(s) who, during the twelve previous months, were guilty of violations which remained uncorrected for forty-five days after notification of non-compliance; or which are, in the opinion of the Director, a part of a pattern of noncompliance over a twelve month period; or which required the City to halt the user(s) effluent flow because of an imminent endangerment to health or welfare.

(2) All records relating to the compliance with pretreatment standards shall be made available to officials of the EPA or the City upon request. Information and data about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs or, as a result of inspections shall be available to the public and other governmental agencies consistent with the North Carolina Public Records Law."

Section 2. That the effective date of this ordinance shall be the date of adoption, except Section 8-2115(c) which will become effective October 20, 1983.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance shall be enforced as provided in N.C.G.S. 160A-175.

Section 5. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Adopted: 7/19/83

Effective: See Section 2

APOLLO HEIGHTS LAND TRANSFER - REFERRED TO LAW AND FINANCE COMMITTEE

Information has been received from the Housing Authority of the City of Raleigh that they have received tentative conditional approval for this transfer.

The RHA Board has asked that they be permitted to discuss this, and perhaps some other housing matters, with the City Council at the earliest possible date.

This is perhaps an item that will need consideration in a Work Session.

Mr. Jordan indicated basically this item is already in Law and Finance Committee, therefore, he would move that the Apollo Heights land transfer item be referred to Law and Finance Committee. Without objection, the item was so referred.

THE ZONING HEARINGS - PROPOSING TIMING SEQUENCE - REFERRED TO ADMINISTRATION

At the last Council Meeting, the City Council recommended that each zoning case be scheduled ten minutes apart on future zoning hearings. At the hearing on July 5, we timed the actual presentations and discussions and found that such a timing sequence would have caused at least four breaks to be necessary. The longest would have been nine minutes, the shortest three minutes. In all, the hearing would have had to take at least twenty-four minutes longer than it actually did.

Administration recommends that the Council reconsider this instruction and instead reduce the time sequence to seven minutes for each hearing. I think this would achieve what Council had intended and would reduce the likelihood of lost time during any given hearing.

Discussion took place with various Council Members voicing their feeling on the intent of trying to time the items on the zoning hearing with it being the general consensus it was an effort to try to be able to tell people if they are way down on the Agenda an approximate time to come so they would not have to wait. In the same

light, the problems of putting a time on the Agenda and then getting to the item and having to wait was also discussed. After brief discussion, it was agreed to refer the matter back to Administration.

DAVIE STREET WIDENING - PROFESSIONAL SERVICES - REFERRED TO THE PUBLIC WORKS COMMITTEE

The Community Development Department has received Engineering Proposals for the following project:

East Davie Street - street widening to 31 feet from and around Patterson Lane to Alston Street with sidewalk. This is to include all related street improvements as necessary (approximately 1,360 feet).

East Davie Street - from Watson Street to Alston Street, 8-inch sewer line. This is to include all related service taps and related improvements as required (approximately 950 feet).

Estimated Construction Cost: $145,000 - $155,00

The following proposals were received:

1. Boney & Associates
2. Triangle
3. Municipal
4. Tate Lanning
5. Moore Gardner
6. Kimley Horn

It is recommended that this item be referred to an appropriate Council committee for consideration and recommendation. Mr. Edwards moved that this matter be referred to Public Works Committee. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ASBESTOS IDENTIFICATION - IN PUBLIC BUILDINGS - ADMINISTRATION TO SOLICIT PROPOSALS

Administration recommends that Council authorize the development of a request for proposal to solicit interest from professional organizations in examining all municipally owned buildings to determine if asbestos is contained in any dangerous degree. The results of the response to the RFP would be brought back to Council for consideration. Mr. Jordan moved the recommendation, as outlined, be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PARKS AND RECREATION LIGHTING PROJECTS - AT VARIOUS PARKS - BID AWARDED TO WATSON ELECTRICAL CONSTRUCTION COMPANY; ELIMINATION OF LIGHTING OF UPPER PARKING LOT AT BILTMORE HILLS - APPROVED

Bids were received on this project and copies of the bid tabulation and copies of a memorandum of explanation and recommendation was included with Council Members' Agenda packets.

It is recommended that, based on a single award, Watson Electrical Construction Company is the recommended low bidder. The adjusted contract amount will be $556,927.

This would require the elimination of the upper parking lot lighting work at Biltmore Hills Park from the planned work and applying the $25,000 credit to Biltmore Hills to provide for the lower parking area to be included in the proposed work.

Biltmore Hills Park - Expenditure

| | |
|---|---|
| $216,246 | bid amount |
| - 25,000 | bid credit for single contract award |
| $191,246 | |
| - 29,731 | delete upper parking area |
| $161,515 | |

Biltmore Hills Park - Revenue

| | |
|---|---|
| $160,000 | Bond Issue - Biltmore |
| + 12,839 | Transfer Requested |
| $172,839 | New Balance |
| -161,515 | Bid Amount |
| $ 11,324 | Contingency |

If this is approved, the proper Capital Projects Budgetary Action forms will be completed.

Brief discussion place after which Mr. Calloway moved the recommendation, as outlined, be upheld. His motion was seconded by Mr. Upchurch and a roll call item resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 292 TF 4.

SWIMMING POOLS - CHANGE ORDER - NO ACTION TAKEN

The Agenda indicated there was a possible change order on the swimming pools for consideration but at the time of the Agenda preparation, it was not available. Assistant City Manager Benton indicated there is no change order to consider at this time.

AUTO ALLOWANCE - CITY MANAGER - APPROVED

The City Manager requests approval for an auto allowance of $2,000 per year to meet his requirement for transportation within the City of Raleigh. If this is approved, it would allow his currently assigned City Vehicle to be transferred to the Police Department.

With an effective date of August 1, 1983, the cost until December 13, would be $750 plus $600 for a radio. A transfer of funds would be necessary. This transfer would come from funds in this year's budget in the Police Department for new vehicles. One replacement vehicle would be deleted. Approval is requested.

Mr. Upchurch moved approval of the auto allowance for the City Manager as outlined. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

## REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

NONE

## REPORT OF MAYOR AND COUNCIL MEMBERS

FALLS LAKE POLICY CONSIDERATION - REFERRED TO WORK SESSION

Mayor York presented Council Members with the following memo:

> "An extremely important matter before us, which requires an extensive review, is the Falls Lake policy consideration. I attended a meeting on July 7, 1983 (along with Mr. Upchurch) which was chaired by Secretary Joe Grimsley of the Department of Natural Resources and Community Development. As a result of this meeting and previous discussions, I recommend the following steps:
>
> 1. We assign the matter of our policy regarding Falls Lake to work session. The first work session would be July 21. I have invited Lee Fleming, Water Quality Section Chief, Division of Environmental Management, to attend this session and make the same presentation which was made at the July 7 meeting. This presentation will provide excellent background for Council policy discussions.
>
> 2. We need to adopt at the work session a general framework for our policy consisting of the following steps:
>
>    A. Adopt goals related to nutrient levels, sedimentation and storm water runoff. These goals can be quantified.
>
>    B. Determine standards and incentives to meet the goals. This step will need to be closely coordinated by the State since many jurisdictions are involved. All jurisdictions need to adopt the same goals and agree to meet the goals. An "equity" question may arise regarding the cost benefit when applied to only one jurisdiction. (For example, there will be a high cost for improvement in Durham's treatment plant, but the improvement in the plant will not affect Durham's water supply which comes from other sources.) The State will take the lead in the "equity" discussions. One possible solution would be a pool of money paid equally by jurisdictions based on population whereby the money would be distributed by the State for specific approved projects.
>
>    C. After A and B are accomplished the local jurisdictions need to implement standards agreed upon to meet goals, with monitoring by the State.
>
> 3. We need to appoint an advisory committee to advise us on our policies. I suggest a five-person committee, with representation as follows:
>
>    (1) Corps of Engineers.
>
>    (2) Water quality specialist.
>
>    (3) Soil scientist.
>
>    (4) Citizen at large (possibly another specialist).
>
>    (5) Citizen at large.

It is my feeling that the advisory committee needs to be technically oriented to provide, along with our staff, the technical input needed on these matters. Discussion of the need and makeup of this committee should be at our work session.

/s/ Smedes York"

Brief discussion took place and Mr. Edwards moved that the Mayor's memo be approved and the matter referred to work session. His motion was seconded by Ms. Babb.

Brief discussion took place on the need to develop a plan for the Falls Lake area, work that has been done and work the State is doing. Mr. Keller indicated, as far as the Committee is concerned, that two-thirds of the land is forest land and maybe one of the Committee Members should be a forester with Mr. York pointing out that would be fine, that maybe a forester could be one of the citizens-at-large. He stated one of the key things he feels is that the Committee should be a technical committee, not necessarily a broad-based committee. He stated he feels that we need to act very quickly on this item with Ms. Babb pointing out she feels the framework, as suggested by the Mayor, is very good. The motion, as stated, was put to a vote and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Mayor York indicated Triangle J COG is holding a meeting on July 21 from 12:00 to 2:00 p.m. He stated he would not be able to attend but he hopes that our Triangle J representatives will be at that meeting. He stated it is dealing with Falls Lake.

Mayor York indicated there is a public hearing on August 9 before the Environmental Management Commission at 7:30 p.m. relating to the reclassification of Falls Lake and its tributaries. He stated he feels the City of Raleigh should have an official statement at that meeting and the City should be represented. He stated maybe Administration could work on a statement.

STATUE OF JOSEPHUS DANIELS - LAW AND FINANCE COMMITTEE TO CONSIDER

Mayor York indicated there is an item in the Law and Finance Committee relating to the placement of a statue of Josephus Daniels somewhere in the City. He indicated Frank Daniels had called and asked if the City would consider this matter. He indicated he understood that they are wanting to place the statue in Nash Square and, if possible, he would like for the Law and Finance Committee to activate this discussion and what procedure would be necessary to have this take place. Without objection, the item was referred to Law and Finance Committee.

PERMIT FEES - PROBLEMS WITH MECHANICAL SUBCONTRACTORS - REFERRED TO COMMITTEE

Mayor York indicated he had received three calls from mechanical subcontractors relating to the new fee schedule the City has adopted. He stated he did not think that they object to the fee schedule but pointed out they had some timing problems in that they had submitted bids on items not knowing the new fee schedule was going into effect. He stated they would just like to express concern. He stated maybe a committee could talk with these three - Stahl-Rider, Raleigh Hannah and Piedmont Trane. He stated if this is referred to a committee, it is not referred with the thought of changing the fee schedule or holding any action just to listen to the concerns of these people. Without objection, the item was referred to Public Works Committee.

AUDITORIUM - REQUEST FOR ADDITIONAL LIGHTING - REFERRED TO ADMINISTRATION TO BE PLACED ON 8/2/83 AGENDA

Mayor York indicated he had received a letter from the N. C. Symphony requesting additional lighting at Memorial Auditorium. He stated this entails approximately $3,700. He stated he was not asking the Council to act on this but he would like to refer the letter to Administration and let Administration comment on it and place it under the Manager's section of the next Council Agenda. Without objection, this was agreed to.

ANTITRUST LAWS - CITY ATTORNEY TO GIVE MEMO

Mayor York indicated the Council had received a letter from the City Manager relative to the possibility of the City Attorney making some brief report to the Council on antitrust law. Attorney McCormick indicated this has been discussed by the City Council briefly on various issues but he would be glad to brief the Council or to give the Council information in memo form. Mayor York indicated he felt it would be helpful and asked the City Attorney to write the Council a memo briefing them on antitrust laws.

DOWNTOWN ADVISORY COMMITTEE - STATUS REQUESTED

Mayor York indicated the Downtown Advisory Committee has been set-up but to his knowledge they have not had the organizational meeting. He asked Administration to work on setting up an organizational meeting as soon as possible and advise the Council of the time, date and place. Without objection, this is agreed to. The City Clerk indicated the effective date for terms on this Committee would be the date of the organizational meeting.

SOUTH SAUNDERS STREET/SUMMIT AVENUE - VISION PROBLEMS - REFERRED TO ADMINISTRATION

Mr. Keller indicated during the last meeting he requested Administration to determine if the State had properly deactivated the gasoline storage tanks along South Saunders Street. He indicated the Council had received a memo from the Administration indicating there were 26 abandoned gas tanks in this area that were in violation. Mr. Keller indicated he feels that there are going to be problems in this area until the street and everything is opened. He pointed out at the intersection of Summit and South Saunders Street there seems to be a problem in that on the southeast corner people are utilizing it for truck parking. He stated the northeast corner is being utilized for auto storage, he assumes, people parking and riding the bus. He stated he has been told that this is creating a hazard in that people cannot see how to get out on South Saunders Street because of the site distance problem created by the parked vehicles. Administration was asked to look into the matter.

BIKE TRAIL - ROCK QUARRY ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Calloway explained sometime back there was discussion about having a bike trail on Rock Quarry Road. He stated he would like to reactivate that discussion pointing out a lot of young people are utilizing the area for bicycle riding, etc. Brief discussion took place and Mr. Calloway asked that Administration look into the matter and let the matter be referred to Law and Finance Committee to receive the report from Administration. Without objection, this was agreed to.

APOLLO HEIGHTS COMMUNITY CENTER - POSSIBILITY OF NAMING IN HONOR OF RALPH CAMPBELL - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Calloway indicated on July 1 he wrote the City Council, City Manager and Parks and Recreation Director as well as the Housing Authority Director asking about the appropriateness of naming the rebuilt Apollo Heights Community Center after Ralph Campbell, Sr. He stated he felt this would be very appropriate in view of Mr. Campbell's role with City Government and his value to all of us. He stated if arrangements could be made with HUD and all others involved, he feels that this would be very appropriate. He stated he would like to refer to the Law and Finance Committee the possibility of naming the Apollo Heights rebuilt Center after Mr. Campbell. Without objection, this is agreed to.

PRIVILEGE LICENSE - JOHNNY DOLLAR - APPROVED CONDITIONALLY

Mr. Jordan indicated he understands that representatives of the Old Music City location, which is now Johnny Dollar, have applied for an entertainment center privilege license, however, all of the work was not completed so that it could be on this Agenda. Mr. Jordan moved approval of the privilege license applied for by representatives of Johnny Dollar contingent upon all requirements being met and approved by Administration prior to the issuance of the license and with the understanding the facility will not open until all licenses are received. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously.

BELTLINE - SOUTHERN LEG - POSSIBILITY OF REDESIGNATING U.S. 1

Mr. Calloway indicated he would like for Administration to contact the State about the possibility of rerouting U.S. 1 onto the southern leg of the Beltline. He pointed out U.S. 64 and 1 arrive at the City on the south side of the same location and both are routed around the northern leg of the Beltline. He stated the traffic problems are horrendous and the southern leg of the Beltline makes the northern leg look like a country road. He stated he would like for the City DOT to check with the State to see if there is a possibility of rerouting U.S. 1 onto the southern side rather than the northern side. He stated he did not think there was much difference in mileage, maybe only the difference between North Boulevard and New Bern Avenue. Without objection, the item was referred to Administration.

## REPORT OF CITY CLERK AND TREASURER

MINUTES - JULY 5 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the minutes of the July 5 Council Meeting and Zoning Hearing in their Agenda packets. There being no corrections, the Mayor announced the minutes approved as presented.

PRELIMINARY ASSESSMENT ROLLS - VARIOUS - RESOLUTIONS ADOPTED

The City Clerk presented the following Preliminary Assessment Rolls. It is recommended that the Council adopt the Preliminary Assessment Rolls which would set a public hearing to consider confirmation of cost during the August 16, 1983, Council Meeting.

Sidewalks AR 193 - Gardner Street
Paving AR 681 - Lexington Street
Paving AR 682 - Peartree Lane
Paving AR 683 - Pershing Road

Mr. Edwards moved adoption of the Preliminary Assessment Rolls as presented which was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR MOVED THE MOTION ADOPTED. See Resolutions 293, 294, 295 and 296.

RESOLUTION NO. (1983) 293

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 193

WHEREAS, by Resolution No. 1981-727 adopted by the City Council on 10-8-81 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessable therefor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of sidewalks on Gardner Street, east side, from Kilgore Street northward approximately 194 feet.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $561.75.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting on both sides of the street. The basis for the assessment is front footage.

| OWNERS ASSESSED | LOT NO. | PROPERTY I.D. NO. | SUBDIVISION LOT NO. | LOCATION OF IMPROVEMENT | AMOUNT ASSESSED |
|---|---|---|---|---|---|
| Charles E. Grantham | 1 | 0062691 | - | 500 Gardner St. | $352.10 |
| James Quinn | 2 | 0057994 | - | 516 Gardner St. | $209.65 |

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six per cent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 193 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 16th day of August, 1983, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina, (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 7/19/83

RESOLUTION NO. (1983) 294

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 681
Powell Fund

WHEREAS, by Resolution No. 1981-486 adopted by the City Council on March 17, 1981, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving 27 feet back to back on Lexington Street from Whitmore Street west to the dead end.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $10,205.37.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

| OWNERS ASSESSED | LOT NO. | PROPERTY I.D. NO. | FRONTAGE | TOTAL STREET ASSESSMENT | DRIVEWAY REPLACEMENT COST | TOTAL ASSESSMENT |
|---|---|---|---|---|---|---|
| Thomas & Margaret Jernigan | 1 | 0035517 | 138.72 | 1,387.20 | None | $ 1,387.20 |
| Thomas & Margaret Jernigan | 2 | 0035515 | 50.0 | 500.00 | None | 500.00 |
| W. B. & Mildred Nivison | 3 | 0050934 | 150.0 | 1,630.67 | None | 1,630.67 |
| Norman K. & Evelyn Stanley | 4 | 0166878 | 149.75 | 1,497.50 | None | 1,497.50 |
| Ruth E. Smith | 5 | 0064804 | 50.0 | 500.00 | None | 500.00 |
| Ruth E. Smith | 6 | 0064805 | 75.0 | 750.00 | None | 750.00 |
| Danny T. Allen & Et al. | 7 | 0065615 | 50.0 | 500.00 | None | 500.00 |
| Boulevard Animal Hospital | 8 | 0017220 | 344.0 | 3,440.00 | None | 3,440.00 |
| | | | 1,007.47 | 10,205.37 | | $10,205.37 |

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 681 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 16th day of August, 1983, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 7/19/83

RESOLUTION NO. (1983) 295

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 682
Powell Fund

WHEREAS, by Resolution No. 1981-486 adopted by the City Council on March 17, 1981, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving 31 feet back-to-back on Peartree Lane from New Bern Avenue to Milburnie Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $25,531.96.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

| OWNERS ASSESSED | LOT NO. | PROPERTY I.D. NO. | FRONTAGE | TOTAL STREET ASSESSMENT | DRIVEWAY REPLACEMENT COST | TOTAL ASSESSMENT |
|---|---|---|---|---|---|---|
| Frank & Brenda Watkins | 1 | 0005721 | 120.0 | 1,200.00 | 220.20 | 1,420.20 |
| Leo P. Calvin & Betty | 2 | 005722 | 110.0 | 1,100.00 | 60.80 | 1,160.80 |
| Bessie S. Jones | 3 | 0042708 | 110.0 | 1,100.00 | | 1,100.00 |
| Zeb Wallace Price & Lottie | 4 | 0057190 | 110.0 | 1,100.00 | | 1,100.00 |
| Russell & Lucille Penny | 5 | 0054223 | 110.0 | 1,100.00 | | 1,100.00 |
| John & Carolyn Sellars | 6 | 0038694 | 110.0 | 1,100.00 | | 1,100.00 |
| Rachel S. Boyd | 7 | 0007399 | 120.0 | 1,200.00 | | 1,200.00 |
| George & Carolyn Hall, Jr. | 8 | 0027791 | 115.0 | 1,150.00 | | 1,150.00 |
| Titus & Katie Critcher | 9 | 0015875 | 105.0 | 1,050.00 | 167.60 | 1,217.60 |
| Tom & Marie Bumgarner | 10 | 0009961 | 105.0 | 1,050.00 | 172.40 | 1,222.40 |
| John & Doris Holland | 11 | 0001711 | 109.0 | 1,090.00 | 80.40 | 1,170.40 |
| The American National Red Cross | 12 | 0088754 | 508.96 | 5,089.60 | 379.60 | 5,469.20 |
| William D. Poe, Jr. | 13 | 0107608 | 104.51 | 1,077.77 | 83.60 | 1,161.37 |
| William D. Poe, Jr. | 14 | 0113215 | 95.0 | 977.22 | 88.80 | 1,066.02 |
| NCSU Education Foundation, Inc. | 15 | 0042716 | 92.62 | 991.53 | | 991.53 |
| James M. Coiner | 16 | 0013921 | 100.0 | 1,103.44 | | 1,103.44 |
| Cyril A. Allen | 17 | 0016110 | 143.08 | 1,430.80 | | 1,430.80 |
| Jean Templeton & Layton Wheeler | 18 | 0049188 | 136.82 | 1,368.20 | | 1,368.20 |
| | | | 2,404.99 | 24,278.56 | 1,253.40 | $25,531.96 |

| | |
|---|---|
| TOTAL COST OF PROJECT | $54,096.55 |
| TOTAL COST OF PROPERTY OWNERS | $25,531.96 |
| TOTAL COST OF CITY OF RALEIGH | $28,564.59 |

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessment shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 682 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 16th day of August, 1983, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 7/19/83

RESOLUTION NO. (1983) 296

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

PAVING ASSESSMENT ROLL NO. 683
Powell Rund

WHEREAS, by Resolution No. 1981-486 adopted by the City Council on March 17, 1981, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, THE LOCAL IMPROVEMENTS HAVE BEEN COMPLETED AND IT IS THE DUTY OF THE City Council to make an assessment of the cost thereof against the property abutting the improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

Installation of curbs, gutters, drains and paving 41 feet back-to-back on Pershing Road from Gavin Street to Center Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $32,447.13.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvement. The basis for the assessment is front footage.

| OWNERS ASSESSED | LOT NO. | PROPERTY I.D. NO. | FRONTAGE | TOTAL STREET ASSESSMENT | DRIVEWAY REPLACEMENT COST | TOTAL ASSESSMENT |
|---|---|---|---|---|---|---|
| Nancy S. Alexander Heirs | 1. | 0001087 | 52.62 | 1,123.18 | | 1,123.18 |
| Carolina Power & Light Company | 2 | 0051293 | 633.21 | 13,226.92 | | 13,226.92 |
| William A. Wilkerson, Jr. | 3 | 0077026 | 54.0 | 1,439.92 | | 1,439.92 |
| Bronna K. Harrell | 4 | 0028492 | 151.0 | 3,795.95 | | 3,795.95 |
| Nancy S. Alexander Heirs | 5 | 0001084 | 150.0 | 4,469.26 | | 4,469.26 |

| OWNERS ASSESSED | LOT NO. | PROPERTY I.D. NO. | FRONTAGE | TOTAL STREET ASSESSMENT | DRIVEWAY REPLACEMENT COST | TOTAL ASSESSMENT |
|---|---|---|---|---|---|---|
| N. C. Products Corporation | 6 | 0051292 | 212.13 | 4,242.66 | | 4,242.66 |
| N. C. Products Corporation | 7 | 0051301 | 154.5 | 4,149.30 | | 4,149.30 |
| | | | 1,407.46 | 32,447.13 | | $32,447.13 |

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 683 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 16th day of August, 1983, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted 7/19/83

SURPLUS PROPERTY - ATWATER STREET - INFORMATION RECEIVED

The City Clerk reported in June of 1982 the City Council declared Lot 219 on Atwater Street surplus property and authorized that it be sold through the Negotiated Offer Upset Bid method with the minimum bid being $3,500. She indicated the property was not sold at that time as no one made an offer. She stated, however, she has received an offer from Joe Seigler for $3,500 and she has advertised that offer inviting upset bids. She stated if the Council does not agree with the minimum bid because of the time lapse, that that could be considered when she brings a resolution back to the Council requesting authorization to sell the property. The item was received as information.

TELECOMMUNICATION TOWERS - PUBLIC HEARING AUTHORIZED FOR AUGUST 2

The City Clerk indicated recently the City Council adopted an ordinance which would allow the location of telecommunication towers in the City of Raleigh. She stated this is allowed only after a public hearing and findings of fact by the City Council. She stated the City has received the first application and that is from Southern Bell to erect a tower in the North Raleigh Six Forks area. She stated with the Council's permission she would advertise this for public hearing on August 2 pointing out the City Attorney's Office had advised that the Council should follow the same procedures as followed by the Board of Adjustment. Mr. Jordan moved the public hearing be authorized for August 2 as recommended by the Clerk. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

ADJOURNMENT

There being no further business, the meeting adjourned at 3:15 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

emw/1/CCMIN2

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, July 19, 1983, at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Upchurch

Mr. Walters - Absent and Excused

The Mayor called the meeting to order and the following items were discussed with action taken as shown.

## REQUEST AND PETITIONS OF CITIZENS

SOUTHEAST RALEIGH - CONCERNS - REFERRED TO COMPREHENSIVE PLANNING COMMITTEE

Melvin Whitley, representing Raleigh United Neighborhoods District C presented the following prepared statement:

"I am here tonight on the behalf of Raleigh United Neighborhoods District C. We would like to present to you for your concentration a view held by many of Southeast Raleigh taxpayers and voters.

We want a Better Raleigh. So the question impacting our concern is what will make Raleigh better?

Raleigh has grown by leaps and bounds, and some would probably say boundless. You, the present City Council, should be commended for an excellent job well done in representing the needs of the city growth problem.

It is felt that we as a city need to be able to look toward the future and elect or re-elect those with visions of a Better Raleigh.

This can be accomplished by a push to revitalize the inner city and implementing a system of balancing resources to create district parity. Each district would have equality in visual beauty, and resource.

Southeast Raleigh is the home of a memorial erected by the American War Mother honoring the son and daughter serving in World War II. John Chavis, a teacher of both races in the early 19th Century and James H. Young, a legislator and an honored Colonel in the War with Spain. This is a proud community with many historical landmarks. While we highlight our area for its history, the North part of District C continues to deteriorate and the residents homeless. Over 75% of this area rent and many of us are second and third generations of renters. We have sub-standard rental housing that bleed their tenants without making any improvements to the property. Dirt roads in the mist of residential homeowners. We are forced to depend on goods and services being produced mainly outside of our community. The cost impact on consumers is most apparent in the area of inadequate transportation for those on fixed incomes. The nearest compatible retail market is 8.4 miles from the center of District C and movies and major grocery stores 6.2 miles away.

Raleigh United Neighborhood District C ask for your concentration on the following recommendation:

(1) A study on redirecting resources to enhance District parity in visual beauty, and human resource.

(2) A study on rent increase guidelines for capital improvements.

We can be a Better city and be the Best for it."

Mr. Whitley indicated this text was adopted for the Council's benefit in developing visions they see for Raleigh Tomorrow. He stated, in addition, they would like to suggest the possibility of a citizen representative in each department of government and would also ask the Council to let their community be a part of the policy-making decision. He stated he would hope that the Council would look kindly upon the suggestions, take time to visit their area and take action as they deem necessary. Mayor York indicated the Council has had Southeast Raleigh development as a major thrust and it is being studied in the Comprehensive Planning Committee. He stated possibly these two suggestions should be referred to the Comprehensive Planning Committee. Without objection, the items were so referred.

TAXICAB PERMIT - REQUEST FOR REINSTATEMENT - DENIED; TO BE REVIEWED IN SIX MONTHS

Leroy Choplin, 928 Harp Street, was at the meeting pointing out he had been driving a taxi for over 40 years. He stated he does not have any education to apply for any work other than driving a cab and he would appreciate the City Council's help in getting his job as driving a cab back. Mayor York indicated the Council Members did

receive some backup information on this item in their Agenda packet. It was pointed out in April of 1983 Mr. Choplin was convicted for driving under the influence of an alcoholic beverage and on May 27, 1983, Mr. Choplin turned his taxicab permit into the Taxicab Inspector's Office and stated that he would like to appeal the revocation of his permit. Mr. Benton indicated Mr. Choplin was also convicted in 1974 for selling tax paid whiskey illegally and was fined and placed on probation. In December of 1974 the City Council voted to reinstate Mr. Choplin's taxi permit with the understanding that if he was brought up for this offense or a related offense again, his permit would be automatically revoked. Discussion took place with Mr. Choplin indicating in 1974 he wasn't selling whiskey out of the cab. Mayor York indicated unless the City Council takes some action to overturn the revocation, then it would stand. Mr. Jordan questioned how long this revocation would stand with Major Smith of the Raleigh Police Department indicating it would be three years unless the Council intervenes. He pointed out Mr. Choplin does have a limited driver's license restricting him to drive between 7:00 a.m. and 6:00 p.m. for one year. Mr. Choplin indicated he went to DUI school and they reduced it to six months. Brief discussion took place and Mr. Jordan moved that the City Council take no action to reinstate his permit but that the Council would review the appeal at the end of the six months revocation period. His motion was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

STREET NAME - SR 2005 - REFERRED TO ADMINISTRATION

William B. Parker, 15801 Durant Road, indicated it came to his attention about two months ago when the City put up a sign on his street that the City's records indicate the name of the street as Honeycutt Creek Road. He explained he talked to people in Planning, Engineering, Sign Department, as well as people at the County, about the possibility of having this redesignated as Honeycutt Road. He stated everyone had suggested that he come to the Council. Mr. Parker presented a petition which he indicated was signed by 100% of the residents in the City portion of the road requesting that the road be designated as Honeycutt Road. He explained this road has been known as Honeycutt Road by its residents for at least a generation and has been designated Honeycutt Road by N. C. State Highway signs for more than twelve years. Assistant City Manager Benton indicated this is somewhat a complicated problem as part of the street is in the City's jurisdiction and part is in the County's jurisdiction so the City would not have complete control. He also explained that there are a number of streets and roads in this area with the name Honeycutt in them. Planning Director Chapman presented a map showing the location of the various "Honeycutt Roads" in this area. He explained we have not been able to resolve these conflicts with the number of Honeycutt Roads. He stated he would recommend that Administration be given the opportunity to try to work out some solution with the County and the State DOT. Mayor York questioned why it couldn't be called Honeycutt Road if everybody calls it Honeycutt Road already and that is what it is known as. After brief discussion, it was agreed to refer this matter to Administration to work with the County and report back as soon as possible.

COMPREHENSIVE PLAN - WEST/SOUTHWEST UPDATE - REFERRED TO COMPREHENSIVE PLANNING COMMITTEE

Miriam P. Block was at the meeting to discuss pertinent portions of the West/Southwest Comprehensive Plan. She began her presentation by questioning how many of the Council people believe in comprehensive planning. She pointed out that there are some interesting items in the West and Southwest update that she would like to discuss with the Council. She pointed out that these two plans have been taken to the two CACs and have received unanimous approval and instead of just sitting, waiting, and hoping that the Council would find and read the citizen proposal, she felt it in order to bring it to the Council's attention and to point out certain concerns. She stated one reason for this is the Council is presently considering some of these items that the sixteen member group of the community worked long and hard on throughout the winter. Planning Director Chapman presented Council Members with copies of the West/Southwest District plan. Ms. Block called the Council's attention to the items in the plan relating to the Dorothea Dix property, Swift Creek Land Use Plan, the deletion of Western Boulevard Extension, indoor-outdoor swimming facilities for the citizens and the school in the area and the planning and zoning procedure changes recommended by the group who reviewed the West/Southwest plan. She briefly explained the plan in these areas.

Mayor York indicated the City of Raleigh has also developed a Land Use Plan for the Dorothea Dix property. He indicated the idea is that the City meet with Governor Hunt and present this plan. He stated at the last Council Meeting, the City Council went on record as opposing the Farmers Market concept for the Dorothea Dix property. He stated he has contacted the Governor and hopes to present the plan as soon as it can be arranged. He stated as far as the West/Southwest update is concerned, it would have to follow the procedure that the Council has been going through on these updates. Planning Director Chapman explained the procedure of presenting the plan to the Comprehensive Planning Committee and transmitting it to all of the other bodies for comment and review. He indicated this would be the fifth and sixth plan to start through that process. Brief discussion took place and by general consensus it was agreed to refer the West/Southwest Land Use Update to the Comprehensive Planning Committee.

SPECIAL USE PERMIT - BRENTWOOD AREA - REFERRED TO ADMINISTRATION

Duane Long, representing the Concerned Citizens of Brentwood, was at the meeting indicating they have concern about a Special Use Permit that has been issued in their area. He stated he had a number of questions, such as, what is a Special Use Permit, the type of permit that is issued and whether it allows the owner to deviate, how they are approved through the Board of Adjustment, after they are approved what type procedure is there to review and to make sure the conditions are followed, etc. He indicated a Special Use Permit has been issued for a Day Care facility in their area and they do not feel that the conditions are being followed. He stated, as far as he can determine, the Special Use Permits are issued for an indefinite period of time and in some case are transferred to a new land owner. He questioned if a Special Use Permit can be revoked pointing out he had discussed this with the City Attorney's Office and they say none have ever been revoked and there are no specific procedures. Mr. Long presented a petition which he indicated was signed by adjacent and surrounding property owners of the Day Care Center in the Brentwood area that is creating the problem. He stated he would like for the Council to think about the issuance of Special Use Permits, in general, and the problems created by this particular one.

City Attorney McCormick indicated a Special Use Permit can be revoked but the group that would revoke a Special Use Permit is the body that issued it in the first place. He indicated Special Use Permits have to abide by the zoning laws and conditions included in that Special Use Permit and if the Zoning Inspector finds that they are not abiding by those provisions, they could be cited or evidence presented to the Board of Adjustment to revoke the permit.

Assistant City Manager Benton indicated he has some information on this problem, pointing out the Special Use Permit was granted in 1974 and modified in 1975. He stated the City's inspectors checked the location and did find that one of the conditions did involve a fence and that condition had not been satisfied. The owners were notified and the problem has been corrected and as far as the City can determine, they feel that the Board of Adjustment's conditions have been satisfied at this time. Mr. Long indicated parking is one big problem relating to the Special Use Permit. He indicated his petition defines the various problems they have and they feel the petition outlines the reasons for revocation of this permit. He stated they include parking, excessive noise, the building is not similar to the other residences in the area, etc. He stated he does not feel that the fence does meet the conditions outlined in the Special Use Permit in that they indicate there should be a fence down each side of the property and, in his opinion, that means each side, front and back. After brief discussion, by general consensus the Council agreed to refer the petition to Administration to check on all of the items listed in the petition and report back at the next meeting. Mr. Upchurch pointed out it will not help this particular situation, however, the Intergovernmental Committee is looking at how the Board of Adjustment issues Special Use Permits.

NORTH CAROLINA HOUSING FINANCE AGENCY - RESOLUTION RELATING TO DEVELOPMENT AT SHELLEY/LEADMINE ROADS ADOPTED

Charles Coburn, representing the Crow-Terwilliger Company, was at the meeting to ask the Council to adopt a resolution approving participation in the North Carolina Housing Finance Agency in a nonsubsidized residential development at the intersection of Shelley and Leadmine Roads. Assistant City Manager Benton indicated it is understood that they are planning to construct a 117 unit nonsubsidized apartment project at the intersection of Shelley and Leadmine Roads. The proposed site consists of approximately 20 acres which is currently zoned Residential-6. Mr. Benton indicated as he understands the proposal, there is no conflict with the zoning but the developer would have to follow the normal process. Mr. Edwards indicated he would like to be excused from participating in this matter pointing out his company has done some work on this tract of land. Without objection, Mr. Edwards was excused. Mr. Upchurch moved adoption of the resolution as requested. His motion was seconded by Mr. Calloway and put to a vote which passed with all members voting in the affirmative except Mr. Edwards who was excused. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 297

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

SECTION 1

The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of lower and moderate income (as defined by the Agency) described below and located at the Leadmine Road and Shelley Road intersection in the City of Raleigh is hereby requested and approved pursuant to G. S. 122A-5(1):

Description of Proposed Project:

Approximately 117 apartment units to be developed on approximately 22 acres of land.

SECTION 2

This resolution will take effect upon its passage. Therefore, upon motion of Mr. Upchurch, seconded by Mr. Keller, the foregoing resolution was passed by the following vote: Ayes: Mayor York, Ms. Babb, Mr. Calloway, Mr. Jordan, Mr. Keller, Mr. Upchurch; Noes - None. Mr. Edwards excused from voting on this item.

Adopted: 7/19/83

STREET CLOSING - McDONALD LANE - APPROVED

Representatives of White Memorial Presbyterian Church were at this meeting to request permission to temporarily close McDonald Lane on Sunday, August 28, between 3:00 and 7:00 p.m. for a congregational block party. They also requested waiver of the $50 filing fee. Assistant City Manager Benton indicated Administration has no objection subject to the church providing and installing the necessary barricades. Mr. Edwards moved the request, as outlined, be granted. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

STREET CLOSING - 400 BLOCK OF NORTH BLOODWORTH STREET - APPROVED

John Dolan Myers, representing Wake County Diabetic Association, was at the meeting requesting permission to close the 400 block of North Bloodworth Street on October 1, 1983, for an arts and crafts show and sale and also requesting waiver of the $50 filing fee. Mr. Myers indicated this was started last year so this would be the second time this event has occurred. He indicated he had talked with the Police about this matter. Assistant City Manager Benton indicated the Police has no objection subject to the applicant providing and installing all barricades, etc. Mr. Benton pointed out, however, this does represent something different than a regular street closing in that it would allow sales on the public right-of-way and this would be a little different. He stated there is no problem in closing the street. It is just a policy question of sales on the right-of-way. Mr. Myers indicated all the proceeds would go to the Wake County Diabetic Association. Mr. Edwards moved approval of the street closing as requested and outlined by Mr. Benton and waiver of the $50 filing fee. His motion was seconded by Mr. Jordan and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CIVIC CENTER - WAIVER OF FEE RELATING TO RSVP PROGRAM - AUTHORIZED

Mary Jerman Crampton, representing the Retired Senior Volunteer Program, was at the meeting and expressed appreciation to the Council for their help in honoring the volunteers in their program last year. She stated they would like to request waiver of the room rent fee at the Civic Center on October 27, 1983, which is $500 and, also, waiver of the fee for the microphone and piano rental. She stated there are over 600 volunteers involved in this program and it went very well last year. Mr. Edwards moved approval of the request as outlined. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

BEACH MUSIC CONVENTION - NO OBJECTIONS VOICED

Stephen D. Coggins, representing the Raleigh Jaycees, had requested permission to utilize the private air strip land area that is contiguous to the Lake Wheeler area for the Sixth Annual North Carolina Beach Music Convention. No one was at the meeting to present the request. Assistant City Manager Benton indicated it was a little hard to get a handle on this request pointing out the private air strip land contiguous to the Lake Wheeler area is under Wake County's jurisdiction, therefore, approval would have to be granted by the County. He stated as long as all health requirements and approvals are granted that the City would have no objection but the City is not real sure why the request came to it. After brief discussion, Mr. Upchurch moved that the City voice no objection if all health and zoning requirements were adhered to. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

RESTRICTIVE COVENANTS VIOLATION AND PROBLEMS WITH INSPECTIONS' PROCEDURE - INSPECTION PROCEDURES PROBLEMS - REFERRED TO ADMINISTRATION

Scott Shaw of Skycrest Drive indicated he was representing the residents of the West Skycrest Community which have a problem with a building that wasn't constructed in accordance with the restrictive covenants of their subdivision. He indicated when he contacted the City, the Building Inspector said he didn't have jurisdiction over restrictive covenants. He indicated he could understand why the City could not research and find all restrictive covenants but questioned why when a person applies for a Building Permit they are not required to submit the restrictive covenants of that area and then the plans could be checked accordingly. He stated, at present, the only protection a community has is to go to court. He indicated another problem they have is the fact that if a Building Inspector comes out and sees something that is not within his field, he doesn't check into it at that point and require that construction be stopped and does not investigate the problem further. He indicated if the construction is allowed to continue, then it may be too late. He questioned why an inspector does not inspect the total area and require the construction to stop when they find something in error.

Mayor York indicated restrictive covenants are a private agreement between property owners and a subdivision. He stated the City and the public would not have funds nor should they be expected to enforce private agreements. Assistant City Manager Benton indicated the Building Inspectors are enforcement officers of the City and they enforce the laws of the City. He stated they are not authorized, nor do they have the authority, to take legal actions based on restrictive covenants. City Attorney McCormick briefly explained restrictive covenants as being a private contractural agreement, that the City is not involved in. He stated a covenant is only as good as the people involved. Mr. Shaw indicated when they approached the builder, the builder stated he was not aware of the restrictive covenants with Mr. Jordan pointing out almost all subdivisions have restrictive covenants. Mr. Edwards suggested the possibility of reporting the builder to his association. Mr. Shaw indicated this is a licensed contractor but he is building his own house and he is not a member of any association.

Mr. Shaw then questioned why the City's Inspections Division doesn't cease construction when they feel that something is wrong on a site. Assistant City Manager Benton indicated the City does have permits that are issued for various stages of construction and they may be what Mr. Shaw is referring to. Mayor York indicated as far as the problems with the Inspections' procedure is concerned, he would suggest that it be referred to Administration and let someone in Administration contact this gentlemen and see if they can resolve the problems.

ENCROACHMENT - 301 WEST MARTIN STREET AND 302, 304 AND 306 SOUTH DAWSON STREET - APPROVED

Thomas S. Erwin, representing JEMS Associates, requested permission to execute an encroachment agreement in order to install canopies at 301 West Martin, 302, 304, and 306 South Dawson Street. He indicated, in addition, when the survey was made, it was discovered that there is a minor encroachment on the right-of-way of Dawson Street and he would permission for this encroachment to remain. In response to questioning, Mr. Erwin indicated the company he is representing is renovating this building. Brief discussion took place about the exact location and the work to be done. Assistant City Manager Benton indicated Administration has no objection to the encroachment of the building nor the canopies provided the standard encroachment agreements are executed and all canopy building plans, etc. are approved by Administration. Mr. Jordan moved the encroachment be authorized as outlined. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

BASKETBALL COURT - DANDRIDGE DOWNS APARTMENTS - REFERRED TO ADMINISTRATION

Bruce A. Richardson, 860 Campanella Drive, was at the meeting indicating a basketball court was recently put up on the property of Dandridge Downs Apartments. He stated this has been causing a lot of problems with noise, congregating, etc. in the area. He stated there is foul language, objects thrown into their yards and they just cannot utilize the yards because of all the problems. He stated his wife is nine months pregnant and he will be going to work on third shift and will need to sleep in the afternoon and that is next to impossible because of the noise. He indicated he had talked to the Housing Authority about the problem but has gotten no satisfaction. He pointed out there is a City park less than five minutes away with lights, parking lot, etc. and he does not know why they had to put this basketball goal up in the apartment complex. Assistant City Manager Benton indicated this has been looked at by the Housing Authority. He indicated there is a basketball court there and the Housing Authority has installed a fence to better handle the problem. He stated there has been a meeting with the residents to try to come up with some solution. Mr. Richardson indicated this has become a congregating place for all types of kids and there is foul language, drugs, etc. Mayor York indicated he hates to see basketball blamed for all of the other problems. After brief discussion, Mr. Jordan moved that this matter be referred to Administration to work with the Housing Authority to see if something could not be done to resolve the problems. The motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

THORPSHIRE DRIVE - REQUEST FOR VARIANCE - REFERRED TO LAW AND FINANCE COMMITTEE

Dennis Mann has requested permission to discuss a variance in Code requirements relating to superelevation of Thorpshire Drive in Thorpshire Subdivision. Mr. Jordan indicated Mr. Mann could not be at the meeting tonight and he would request that this matter be referred to the Law and Finance Committee. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PULLEN PARK - USE OF A PORTION IN CONNECTION WITH INDIAN HERITAGE WEEK - APPROVED

Wanda Burnes Ramsey, representing the North Carolina Commission of Indian Affairs, was at the meeting to request permission to utilize a portion of Pullen Park on September 18, between 3 and 5:30 p.m. in connection with North Carolina Indian Heritage Week. She explained Governor Hunt has proclaimed this week as Indian Heritage Week in North Carolina and this would be in connection with that. She explained the purpose of Indian Heritage Week and indicated there would be a number of activities including speakers, dancers, arts and crafts, sale of original work, etc. She stated there would be approximately ten booths and she does not know exactly what area of the park they want to utilize but pointed out she had spoken with the Parks and Recreation Director and had received verbal support with the understanding that they would work out the specifics. Brief discussion took place

and Mr. Upchurch moved authorization to use a portion of Pullen Park on September 18 between 3:00 and 5:30 p.m. in connection with activities relating to Indian Heritage Week. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE

MATTERS SCHEDULED FOR PUBLIC HEARING

UNSAFE BUILDINGS - 309 NORTH BLOUNT STREET - REFERRED TO LAW AND FINANCE COMMITTEE; OTHERS WITHDRAWN

This was a hearing to consider adoption of an ordinance declaring the following dwellings unsafe and directing that they be demolished:

309 North Blount Street - Julia Russell, Heirs. Mr. Jordan indicated he had talked with Mrs. Perry who lives at this location. He stated he does not feel that anyone wants to tear down this fine house. He stated he feels that the matter should be looked at in committee. John Kinney, Jr., was at the meeting representing the Historic Properties Commission and the Historic Districts Commission. He read a letter in which the Commissions recognized that there are serious sanitary and safety problems at this location that must be corrected, however, they are anxious to be of any assistance they can to help resolve the situation in a positive manner. Mr. Kinney read the letter in full. He stated there are also a number of people in the audience in support of trying to preserve this house and approximately ten people stood in support of Mr. Kinney's comment. Brief discussion took place and Mr. Jordan moved the request to declare the dwelling at 309 North Blount Street unsafe be referred to Law and Finance Committee. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

1001 South Saunders Street - Ed Oil Corporation. Housing Inspections Supervisor Bartholomew asked that this item be withdrawn from the Agenda as the owner has taken care of the repairs. He stated there are some addition items that need to be corrected at this location but that is ongoing. Without objection, the item was withdrawn.

1300 Brookside Drive - John R. Adams and Donald And Susan Ensign. Housing Inspections Supervisor Bartholomew requested that this item be withdrawn from the Agenda as the dwelling has been demolished by the owner. Without objection, the item was withdrawn.

PUBLIC NUISANCE COST CONFIRMATION - VARIOUS LOCATIONS - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for abating public nuisances in the City. The charges, if confirmed, will become a lien against the land. The Mayor opened the hearing on each case:

428 Pineview Drive - $118.00 - T. A. Pipkin. No one asked to be heard.

2818 Marion Road - $148.00 - Joseph E. Lee Bennett. No one asked to be heard.

712 Latta Street - $152.00 - Lalaine Jackson, Essie Smith and Frances Alford. No one asked to be heard.

Mr. Jordan moved adoption of a resolution confirming charges for abating public nuisances as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. 1983-299

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 7, Chapter 5 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 7, Chapter 5.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 7, Chapter 5 of the Code of the City of Raleigh.

| PROPERTY OWNER | LOCATION | ABATEMENT COST |
|---|---|---|
| T. A. Pipkin | 428 Pineview Drive<br>Lot 288, Map 632<br>I.D. #0055605 | $118.00 |
| Joseph E. Lee Bennett | 2818 Marion Road<br>Lot 456, Map 632<br>I.D. #0095275 | $148.00 |
| Lalaine Jackson, Essie Smith and Frances Alford | 712 Latta Street<br>Lot 2, Block D-152<br>Map D-35<br>I.D. #0070756 | $152.00 |

Section 3. That this resolution shall become effective July 19, 1983.

Adopted: July 19, 1983

ASSESSMENT ROLL 676, 677 and 678 - HEARING - RESOLUTION ADOPTED

This is a hearing to consider adoption of of a resolution confirming the charges for certain local improvements in the City of Raleigh as outlined below. The Mayor opened the hearing on each item.

Paving AR 676 - Bernard Street according to charges outlined in Resolution 1983-254, adopted on July 5, 1983. No one asked to be heard.

Paving AR 677 - Bernard Street according to charges outlined in Resolution 1983-255, adopted on July 5, 1983. No one asked to be heard.

Paving AR 678 - Bertie Drive according to charges outlined in Resolution 1983-256, adopted on July 5, 1983. No one asked to be heard.

Mr. Edwards moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. 1983 - 300

A RESOLUTION CONFIRMING SPECIAL PAVING AR 676, 677, AND 678

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 19th day of July, 1983, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution Nos. 1983-254, 1983-255 and 1983-256 adopted on the 5th day of July, 1983, which assessments appear on "The City of Raleigh Special Paving AR 676, 677 and 678," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statue.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: July 19, 1983

STREET CLOSING - WESTBURY DRIVE - HEARING - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider the permanent closing of a portion of Westbury Drive. The hearing is pursuant to petition, advertisement and notification as required by law. The Mayor opened the hearing.

Ben Taylor of Envirotek, Inc. indicated he was the applicant in the case and would support the closing. Assistant City Manager Benton indicated there are several utilities in the area including a 2-inch gas main owned by Public Service Company, an 8-inch water line owned by the City of Raleigh, etc. He indicated the Department of Transportation has stated this would create a nonstandard intersection and would recommend that it not be closed but the cul-de-sac, as originally planned for this area, be installed. Brief discussion took place and Mr. Edwards moved that the request for the closing of Westbury Drive, as advertised, be referred to Public Works Committee. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

PU 1983-10 - RAWLS DRIVE AREA - HEARING - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider the installation of approximately 3,171 feet of 8-inch sanitary sewer main within an easement from Rawls Drive to Sunnybrook Road and within Sunnybrook Road with assessment by front footage method along Sunnybrook Road and abutting frontage method along the easement section. Public Utilities Director Butler explained the project. The Mayor opened the hearing to the public.

Hugh Bordeaux, 113 Sunnybrook Road, indicated he is a real estate agent and he has been requested by the people who live in the area to speak in opposition to this proposal or to at least ask that it be postponed for one year or until the landowner on the east side develops his land. He indicated most of the people are widows living on a fixed income and cannot afford the assessments. He indicated if it could be postponed for a year or until such time as the sewer line is run through the undeveloped property, he feels it would be better. He also explained that it would require the installation of a lift station and he does not feel it is justified. He stated the people will have to sell their property to pay the assessment. Public Utilities Director Butler indicated there is a lift station on Rawls Drive that will be relocated but it is not a new lift station. In response to questioning, he indicated that plays no part in the assessment that will be charged against the property owner. Mr. Butler indicated it will probably be at least one year before the matter comes up for confirmation of assessments. It was pointed out the request was made by the church and they are inside the City with Mr. Edwards questioning if the City has any recourse but to provide the sewer main. He questioned if there is an alternate route. Brief discussion took place and Mr. Edwards moved that consideration of PU 1983-10 be referred to Public Works Committee. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

STREET AND UTILITY IMPROVEMENTS - ATLANTIC AVENUE - HEARING - REFERRED TO PUBLIC WORKS COMMITTEE

This was a hearing to consider approving an alternate alignment for Atlantic Avenue which utilizes the route along the western edge of the Highwoods property and substantially adjacent to the railroad except at the north end of the Highwoods property and approval of the associated public utility project, which includes the installation of approximately 2,500 feet of 30-inch water main within the new right-of-way (PU 1983-14).

Chief Engineer Thomas explained the proposal. Mayor York questioned if this is the recommendation of the Public Works Committee. Mr. Edwards indicated the Public Works Committee has studied the item and this alignment would involve three property owners whereas the old alignment only involved two. He stated that is the reason for the new public hearing. The Mayor opened the hearing to the public.

Dave Dorton, 2700 Wycliff Road, indicated he and Tom Adams are representing one of the property owners, Trenholm Properties. He explained they did object to this realignment, however, now they are in support of the new alignment. No one else asked to be heard, thus the hearing was closed. Mr. Edwards indicated he feels it would be appropriate to refer this matter back to Public Works Committee as there are some details that need to be worked out and so moved. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

JOINT HEARING BEFORE THE PLANNING COMMISSION AND THE CITY COUNCIL

The City Council went into a joint hearing with the Planning Commission at 8:30 p.m. to consider various requested rezonings and text changes as advertised. The items heard during that portion of the meeting will be covered by a separate set of minutes.

Gail G. Smith
City Clerk

emw/1/CCMIN3